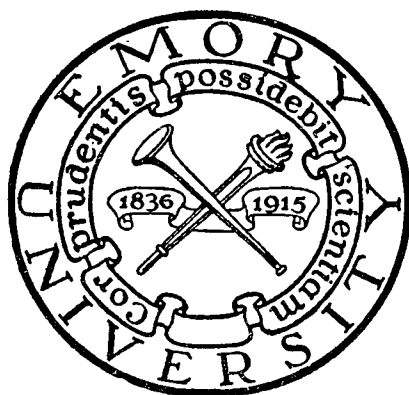


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JOURNAL
OF
THE SENATE
OF THE
STATE OF GEORGIA.
AT THE
BIENNIAL SESSION
OF THE
GENERAL ASSEMBLY,

JOURNAL
OF THE
SENATE
OF THE
STATE OF GEORGIA.

MONDAY, NOVEMBER 5TH, 1855.

At the Biennial Session of the General Assembly of the State of Georgia, begun and held at the State House in Milledgeville, on Monday, the fifth day of November, one thousand eight hundred and fifty-five, and of the sovereignty and independence of the United States the eightieth, the following members elect from the different counties appeared.

The Hon. Peter Cone, Senator elect from the county of Bulloch, having been called to the Chair, the members produced their credentials and were sworn, agreeably to the Constitution of this State, and to support that of the United States, by the Hon. A. P. Powers, one of the Judges of the Superior Courts of this State, and took their seats, to-wit :

From the county of Appling, the Hon. J. Reddish.
From the county of Baker, the Hon. J. G. Sapp.
From the county of Baldwin, the Hon. E. D. Brown.
From the county of Bibb, the Hon. T. J. Hardeman.
From the county of Bryan, the Hon. John P. Hines.
From the county of Bulloch, the Hon. Peter Cone.
From the county of Burke, the Hon. A. J. Lawson.
From the county of Butts, the Hon. David J. Bailey.
From the county of Calhoun, the Hon. E. G. Brown.
From the county of Camden, the Hon. A. S. Atkinson.
From the county of Campbell, the Hon. John Carlton.
From the county of Carroll, the Hon. D. M. Bloodworth

From the county of Cass, the Hon. R. H. Cannon.
From the county of Catoosa, the Hon. J. N. Murray.
From the county of Charlton, the Hon. H. Roddenberry.
From the county of Chatham, the Hon. J. P. Screven.
From the county of Chattahoochee, the Hon. J. M.

Renfroze.

From the county of Chattooga, the Hon. Wesley Shropshire.

From the county of Cherokee, the Hon. M. J. Camden.
From the county of Clark, the Hon. Cincinnatus Peeples.
From the county of Clay, the Hon. B. F. Adams.
From the county of Clinch, the Hon. W. M. Nichols.
From the county of Cobb, the Hon. T. H. Moore.
From the county of Coffee, the Hon. Mark Lott.
From the county of Columbia, the Hon. A. J. Avery.
From the county of Coweta, the Hon. H. Buchanan.
From the county of Crawford, the Hon. J. E. Brice.
From the county of Dade, the Hon. S. C. Hale.
From the county of Decatur, the Hon. R. Sims.
From the county of DeKalb, the Hon. Charles Murphy.
From the county of Dougherty, the Hon. W. J. Lawton.
From the county of Dooly, the Hon. B. Hamilton.
From the county of Early, the Hon. S. Hays.
From the county of Elbert, the Hon. W. M. McIntosh.
From the county of Emanuel, the Hon. J. C. Sumner.
From the county of Fannin, the Hon. B. F. Chastain.
From the county of Fayette, the Hon. J. I. Whitaker.
From the county of Floyd, the Hon. T. McGuire.
From the county of Forsyth, the Hon. H. Strickland.
From the county of Franklin, the Hon. W. Ashe.
From the county of Fulton, the Hon. J. M. Calhoun.
From the county of Gilmer, the Hon. J. M. Patterson.
From the county of Glynn, the Hon. T. T. Long.
From the county of Gordon, the Hon. W. H. Dabney.
From the county of Greene, the Hon. F. H. Cone.
From the county of Gwinnett, the Hon. J. Brown.
From the county of Habersham, the Hon. Robt. McMillan.
From the county of Hall, the Hon. J. Dunnagan.
From the county of Hancock, the Hon. E. H. Baxter.
From the county of Harris, the Hon. D. P. Hill.
From the county of Hart, the Hon. W. R. Poole.
From the county of Heard, the Hon. J. F. Moreland.
From the county of Henry, the Hon. A. W. Turner.
From the county of Houston, the Hon. H. Lawson.
From the county of Irwin, the Hon. George Paulk.
From the county of Jackson, the Hon. R. White.
From the county of Jasper, the Hon. I. L. Maddux.
From the county of Jefferson, the Hon. R. Patterson.
From the county of Jones, the Hon. D. N. Smith.
From the county of Kinchafonee, the Hon. E. B. Swinney.

From the county of Laurens, the Hon. Robert Robinson.
From the county of Lee, the Hon. J. H. Ragan.
From the county of Liberty, the Hon. Abel Winn.
From the county of Lincoln, the Hon. B. B. Moore.
From the county of Lowndes, the Hon. Levi J. Knight.
From the county of Lumpkin, the Hon. James Cantrell.
From the county of Macon, the Hon. B. J. Head.
From the county of Madison, the Hon. S. W. Colbert.
From the county of Marion, the Hon. H. M. Jeter.
From the county of Merriwether, the Hon. J. L. Dixon.
From the county of Monroe, the Hon. J. T. Crowder.
From the county of Montgomery, the Hon. Charles Mc-
Crimmon.

From the county of Morgan, the Hon. Joel A. Billups.
From the county of Murray, the Hon. James Morris.
From the county of Muscogee, the Hon. S. A. Wales.
From the county of Newton, the Hon. A. Pharr.
From the county of Oglethorpe, the Hon. Z. P. Landrum.
From the county of Paulding, the Hon. G. Gray.
From the county of Pickens, the Hon. L. J. Allred.
From the county of Pike, the Hon. O. C. Gibson.
From the county of Polk, the Hon. J. M. Ware.
From the county of Pulaski, the Hon. J. B. Howell.
From the county of Putnam, the Hon. Junius Wingfield.
From the county of Rabun, the Hon. Edward Coffee.
From the county of Randolph, the Hon. T. L. Guerry.
From the county of Richmond, the Hon. A. J. Miller.
From the county of Scriven, the Hon. W. L. Matthews.
From the county of Spalding, the Hon. C. L. Dupree.
From the county of Stewart, the Hon. J. M. Scott.
From the county of Sumter, the Hon. H. M. D. King.
From the county of Talbot, the Hon. W. B. Marshall.
From the county of Taliaferro, the Hon. S. Harris.
From the county of Tattnall, the Hon. M. J. Moody.
From the county of Telfair, the Hon. W. Studstill.
From the county of Thomas, the Hon. W. Ponder.
From the county of Troup, the Hon. W. P. Beasley.
From the county of Twiggs, the Hon. E. S. Griffin.
From the county of Union, the Hon. S. G. Jameson.
From the county of Upson, the Hon. A. G. Fambro.
From the county of Walker, the Hon. James Gordon.
From the county of Walton, the Hon. John T. Grant.
From the county of Warren, the Hon. Augustus Beall.
From the county of Ware, the Hon. Wm. A. McDonald.
From the county of Washington, the Hon. J. W. Rudisill.
From the county of Wayne, the Hon. James Causey.
From the county of Whitfield, the Hon. C. B. Wellborn.
From the county of Wilkinson, the Hon. E. Cumming.
From the county of Wilkes, the Hon. Alexander Pope, Jr.
On motion of Mr. Murphy of DeKalb, the Senate proceed-

ed to the election of a President, when, on receiving and counting out the ballots, it appeared that the Hon. David J. Bailey, Senator elect from the county of Butts, was duly elected.

On motion of Mr. McMillan, a Committee consisting of Messrs. McMillan, Miller and Knight, was appointed to notify him of his election, and conduct him to the Chair.

The President elect, on taking the Chair, addressed the Senate. and returned his acknowledgments for the honor

On motion of Mr. Cone of Bulloch, the Senate proceeded to the election of a Secretary, when on receiving and counting out the ballots, it appeared that Peyton H. Colquitt, Esq., of the county of Muscogee, was duly elected, appeared, was sworn and took his seat.

The Assistant Secretary, John B. Weems, was sworn by the President of the Senate.

The Senate then proceeded to the election of a Messenger, when on receiving and counting out the ballots, it appeared that John T. Wilson of DeKalb was duly elected.

On motion of Mr. Ashe of Franklin, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

On motion, the Senate proceeded to the election of a Door-Keeper, when, on receiving and counting out the ballots, it appeared that Elias W. Allred of Pickens was duly elected.

On motion of Mr. Cone of Bulloch,

Resolved, That the Rules of the last Senate be adopted for the government of the present Senate.

On motion of Mr. Cone of Bulloch, the Senators proceeded to draw and choose their seats.

Mr. Cone of Bulloch offered the following Resolution :

That the Secretary inform the House of Representatives. that the Senate has organized by the election of the Hon. David J. Bailey, Senator elect from the county of Butts as their President, and Peyton H. Colquitt, Esq. of the county of Muscogee, as Secretary, and are now ready to proceed to business.

On motion of Mr. Cone of Bulloch, the Resolution was taken up and agreed to.

On motion of Mr. Coffee of Rabun, the Senate adjourned till to-morrow morning at ten o'clock.

TUESDAY, NOVEMBER 6th, 1855.

The Senate met pursuant to adjournment.

Mr. Moore of Lincoln offered the following resolution :

Resolved, That the Secretary of State be requested to lay on the table of the Senate all Bills passed by the last Legislature amending the Constitution of this State.

On motion the resolution was taken up.

Mr. Miller moved to amend the same by inserting, all Bills of this Branch of the General Assembly, which amendment was accepted.

The resolution as amended was adopted.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President :—I am directed by the House of Representatives to inform the Senate, that they are organized, having made choice of Hon. William H. Stiles, a member elect, from the county of Chatham, as their Speaker, and Alexander M. Speer, Esq., of the county of Bibb, as their Clerk, and are now ready to proceed to business.

Mr. Lawton of Dougherty offered the following resolution, which was taken up, read and agreed to, to wit :

Resolved, That Editors and Reporters for the Press in Georgia be furnished by the Messenger, under the direction of the President, with convenient seats and desks on the floor of the Senate.

Mr. Moore of Lincoln, offered the following resolution :

Resolved, That in addition to the Standing Committees, the Chair appoint the following Committees, to wit : On the State of the Republic, on the Judiciary, on Finance, on Internal Improvements, on Public Education, and Free Schools, on Banks, on the Penitentiary, on the Military, on Printing, on the Lunatic Asylum, on the Deaf and Dumb Asylum, and Institution for the Blind.

On motion of Mr. Cone of Bulloch,

Resolved, That one hundred and twenty-five copies of the Rules adopted for the government of the Senate be printed.

Mr. Lawson of Burke, offered the following resolution, to wit :

Resolved, That a committee of three be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House to inform his Excellency the Governor that both branches of the General Assembly are now organized, and ready to receive any communication he may have to make, which committee consists of Messrs. Lawson of Burke, Lawson of Houston, and Cone of Bulloch.

Mr. Gibson of Pike, offered the following resolution :

Resolved, That both branches of the General Assembly do

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convene in the Representative Chamber on Friday the 9th instant, at 10 o'clock, A. M., to proceed to the election of a Comptroller General, Surveyor General, Treasurer, and Secretary of State, for the next ensuing two years, and Attorney General for the Middle Circuit, and a Solicitor General for the next ensuing four years for the following Circuits, viz: the Chattahoochee, Cherokee, Eastern, Flint, Blue Ridge, Macon, Northern, Ocmulgee, Southern, South Western and Western.

Mr. Nichols of Clinch, moved to amend by inserting Thursday the 8th, instead of Friday.

Mr. Guerry of Randolph, offered the following as a substitute:

Resolved by the Senate and House of Representatives, That both branches of the General Assembly convene in the Representative Hall on Thursday the 8th inst., at 10 o'clock. A. M., to proceed to an election of a Judge of the Supreme Court, an Attorney General for the Middle Circuit, a Solicitor General for the Southern Circuit, a Solicitor General for the Eastern Circuit, a Solicitor General for the South Western Circuit, a Solicitor General for the Chattahoochee Circuit, Solicitor General for the Ocmulgee Circuit, a Solicitor General for the Macon Circuit, a Solicitor General for the Flint Circuit, a Solicitor General for the Western Circuit, a Solicitor General for the Northern Circuit, a Solicitor General for the Cherokee Circuit and a Solicitor General for the Blue Ridge Circuit, a Surveyor General, a Comptroller General, Secretary of State and Treasurer.

Mr Wingfield moved to amend the same by adding "an election for Director of the State Bank," which was withdrawn.

Mr. Peebles moved to strike out "Judge of the Supreme Court," which was agreed to.

The original resolution amended so as to bring on the election of State House officers, after that of the Attorney and Solicitors General, was then taken up, read and agreed to, and adopted.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have adopted a resolution appointing a committee to join such committee as may be appointed on the part of the Senate to wait upon his Excellency the Governor, to inform him that both branches of the General Assembly are now organized, and ready to receive any communication he may have to make to them, which committee on the part of the House consists of Messrs. Irwin of Wilkes, Dawson of Greene, Crook of Chattooga, Jones of Muscogoe and Pickett of Gilmer.

And, also, I am directed to communicate to the Senate a

resolution adopted by the House in reference to certain elections therein mentioned.

On motion of Mr. Cone of Bulloch, the same was taken up by the Senate:

Resolved by the Senate and House of Representatives, That both branches of the General Assembly, convene in the Representative Hall on Thursday the 8th instant at 11 o'clock, A. M., to proceed to the election of an Attorney General for the Middle Circuit, a Solicitor General for the Eastern Circuit, a Solicitor General for the Southern Circuit, a Solicitor General for the South Western Circuit, a Solicitor General for the Chattahoochee Circuit, a Solicitor General for the Ocmulgee Circuit, a Solicitor General for the Macon Circuit, a Solicitor General for the Flint Circuit, a Solicitor General for the Western Circuit, a Solicitor General for the Northern Circuit, a Solicitor General for the Cherokee Circuit, a Solicitor General for the Blue Ridge Circuit, and a Director of the Bank of the State of Georgia.

On motion of Mr. Cone of Bulloch, the resolution in relation to the elections was laid on the table for the present.

Mr. Peeples reported

A bill to be entitled an act to repeal an act entitled an act to alter amend and explain Section 4th of an act entitled an act for prevention of Frauds and Perjuries, approved February 20th, 1854, which was read the first time.

Mr. Lawson of Burke, from the committee appointed to wait upon his Excellency the Governor, reported that they had discharged the duty assigned them, and that he would communicate a message in writing to both branches of the General Assembly, this day at 12 o'clock.

On motion the Senate took a recess till twelve o'clock.

The Senate re-assembled at twelve o'clock.

On motion of Mr. Moore of Lincoln, the resolution in relation to the appointment of Standing Committees, was taken up, read and agreed to.

The following message was received from the Governor by Mr. DeGraffenried,, his Secretary:

*Mr. President:—*I am directed by the Governor to deliver to the Senate, his biennial message with accompanying documents.

On motion of Mr. Cone of Bulloch, the same was taken up.

The message was then read as follows, to wit:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, 6th Nov., 1855. }

Fellow Citizens of

The Senate and House of Representatives :

You have assembled, as the representatives of the people, to review the administration of the State Government, for the last two years, and to enact such laws as your wisdom may dictate, to be necessary for the promotion of the public welfare. You meet under circumstances well calculated to awaken gratitude to Heaven. For although, the previous year was one of drought and comparative scarcity, and memorable for the melancholy ravages of Yellow Fever upon our principal seaport city, yet, the temporary frown of Providence has passed away, and again we bask in His beneficent smiles. Peace, health and prosperity reign throughout our borders; we still enjoy the blessings of civil and religious liberty; all things combine to provoke us to that righteousness which "exalteth a Nation."

TREASURY.

I herewith submit the Report of the Treasurer, exhibiting fully the operations of his Department, for the last two fiscal years, ending on the 20th of October. It appears that there was at that date, an available balance in the Treasury of \$90,793 24.

The Western & Atlantic Rail Road paid into the Treasury, in 1854, the sum of \$50,000. There were also collected from the Federal Government, on account of Military claims, \$11,331 79. In 1855 and prior to the 1st of October, the Western & Atlantic Rail Road paid in the further sum of \$100,000 00. The Treasurer also received on account of the sale of the reverted lands in the Cherokee region, sold under an act of the last Legislature, the sum of

\$19,302 61. From the sale of the States' interest in lands on the Chattahoochee, under an act of the last session, he received the further sum of \$1,993 11. Hence, for the two fiscal years, the Treasury has received the aggregate sum of \$182,627 49, from extraordinary sources, not anticipated by the last Legislature in the estimate of revenue.—The aggregate receipts of the Treasury, from ordinary sources, for the two years, was \$930,244 03; and the actual aggregate of disbursements, for the same time, was \$946,874 97: showing, that there would have been a deficit, without the receipts from these extraordinary sources, of \$16,730 94. Now, the act of the 24th of December, 1845, creates a lien upon the Western & Atlantic Rail Road and its nett earnings for the redemption of the Bonds, amounting to \$125,500 00, which it authorised to be issued for the extension of that work. They fall due in July and December 1856. But seeing that a deficit in the Treasury to meet the demands upon it, must necessarily occur: finding it also impracticable to call in these Bonds, except to the amount of \$19,500, and feeling perfectly confident, that the future proceeds of the Road will be amply sufficient to meet the balance of \$106,000 00, before or at maturity I directed the Treasurer to carry the monies paid in, from that source, into the general fund, use them in the payment of the public Debt and interest, and the regular operations of the Treasury.

The Committee of Finance on the State of the Treasury &c., called my attention to the immense item of expense for the services of Clerks in both branches of the General Assembly. I have investigated this subject, by actual examination of the President's and Speaker's Warrants from 1833, down to the present time, including the last session. The aggregate expenses of the two Houses, per Session, on this score, from 1833, down to the session of 1849-50 ranged from \$4,290 00 to \$8,833, the latter sum being the largest expenditure of any one session during that period. For the session of 1849-50, the expense for Clerks' hire of the two Houses was \$18,286 00: for 1851-2, it was \$17,212 00 and for 1853-4, it was \$33,156 00. The enormous expenditure of the three last sessions of the Legislature evince extravagance and call for retrenchment and reform.

TAXATION.

Looking at the large liabilities of the Western & Atlantic Rail Road, to mature in 1856, and the heavy demands upon its receipts, to perfect its equipment, I submit, that it will be wise to adhere to the policy of raising, by taxation, the amount necessary to defray the expenses of the Government, and meet the ordinary drafts upon the Treasury.—The nett earnings of the Road, should be faithfully applied

to the extinguishment of the large public debt created for its construction; taxation should furnish the revenue until that shall have been accomplished.

I shall not enter into a discussion of the principle upon which the tax should be levied. The ad valorem, is the only correct principle. It may now, I trust, be considered as the fixed policy of Georgia; for it has vindicated itself by experiment, and the public mind is satisfied of its wisdom. The existing system may need amendment, in its details, but you should adhere to the principle on which it is based.

PUBLIC DEBT AND CREDIT.

On the 20th of October last, the Public Debt, including the 6 per cent. bonds issued for the payment of claims against the State, on account of the Darien Bank, was \$2,644,222 22. Since the action of the last Legislature, the Central Bank 7 per cent. bonds are considered as a part of the Public Debt, and consequently the balance outstanding, amounting to \$296,000, are embraced in this estimate. I refer you to the report of the Treasurer, and to the accompanying "Report of the Finance Committee on the state of the Treasury, &c.," for tabular statements of the amount of the bonds which constitute the State Debt, their rate of interest, when and where payable, and the payments made during the two past financial years.

The credit of the State is now good—a source of congratulation to every Georgian. It should not only be preserved, but every means adopted to increase and strengthen it. It is remarkable, that the Bonds of Georgia command a less price than the bonds of other States that owe a much larger debt. This is a fact which should arrest the attention of the Legislature. I apprehend that, upon examination, the reason will be found to be, that our Bonds are mainly payable in Augusta, Savannah and at the Treasury. This is true of all the issues, except those of July the 1st, 1852, and these amount to but \$525,000, payable in New York. They were negotiated in New York, for a premium of five per cent, while the issues, under the act of December 4th, 1851, the interest of which is payable semi-annually in Savannah, were negotiated at an average premium of but two per cent. This furnishes a striking illustration of the advantage of making our State bonds payable in New York. That is the great commercial emporium of the Union, and thither capital flows, from all points, to seek investment.—Hence, as a means of appreciating the credit of the State, I recommend the Legislature to authorize the calling in of all the State Bonds, including the Central Bank 7 per cents, not payable in New York, and the issuing of others, in their stead, of similar tenor, dates and amounts respectively, payable

at that point. It will also impart greater simplicity and uniformity to the operations of the Treasury.

By an act of the last Legislature, approved 17th Feb. 1854, I was directed to issue State Bonds, in lieu of the outstanding bonds of the Central Bank. It was impossible to effect the arrangement contemplated by a literal exchange of Bonds. The interest on the new, was limited to 6, whereas the old Central Bank Bonds sought to be called in, bore 7 per cent. Of course, the holders would not receive the former, in lieu of the later.

That act also required the issue of new Bonds, in lieu of certain other Bonds of this State, printed on inferior paper, mutilated and of inconvenient amounts. The holders of these Bonds, with one exception, have not applied for the benefit of the act; and therefore, it was not deemed expedient to incur the expense of a new engraving. By adopting the policy above recommended, both objects of the Act, will be accomplished, and contribute much to the public good, since it will form a part of the plan for simplifying the State debt and appreciating its credit.

Under the act of 24th December, 1845, "to extend the Western & Atlantic Rail Road, and to provide means therefor," 6 per cent. Bonds were issued to the amount of \$125,500 00, signed by the Governor and countersigned by the then Chief Engineer, and payable ten years after date. They were issued on the 1st of December and July, 1846, and consequently, fall due the 1st of December and July, 1856. In anticipation of their maturity, \$19,500 00 of the bonds have been paid, leaving a balance of \$106,000 00 unpaid. The Act referred to gives to the holders of these Bonds a paramount lien upon the Road and its nett earnings, for their redemption. Hence, the clean receipts of the Road must be appropriated to the satisfaction of these liabilities; and there is no doubt, but they will be amply sufficient to meet them all before or at maturity. After that, they may be used in any manner the Legislature may direct. Therefore, if the amount necessary for the administration of the Government, be authorised to be raised by Taxation, as recommended in another part of this communication, then all the nett receipts of the Western & Atlantic Rail Road should be appropriated to the payment of the Public Debt. There is obvious propriety in this policy. Most of the Debt was created for the construction of the Road, and it is therefore proper, that it should first discharge its liabilities to the State. As a large portion of the Public Debt will fall due at the same time, the Executive should be clothed with discretion to make such application of the money, derived from that source, as will avoid the embarrassment which such heavy maturities must produce. I therefore respectfully submit, that, after the payment of these Bonds and reserving enough from time to time.

to meet its liabilities proper, as they may fall due, the nett earnings of the State Road should constitute a Sinking Fund, permanently set apart for the purpose indicated.

WESTERN AND ATLANTIC RAIL ROAD.

I herewith submit the two annual Reports of the Superintendent of the Western and Atlantic Rail Road, exhibiting its operations for the fiscal years 1854 and 1855. They show a steady and highly encouraging increase of its business, and a commendable curtailment of its expenditures. As these documents furnish all the data for the formation of a correct opinion as to what should be the future policy of the Road, so far as relates to the regulation of its tariff of freights, I shall indulge in no speculations upon that subject; but leave it, in all its bearings, to the wisdom of the Legislature. It is one of great moment, and can only be correctly settled by facts, its connection with other roads, and the light of experience. If you design it to be a paying road, then the policy obviously is, to adjust its freight schedule, in reference to its connection with others. If you are content, that it shall be kept up mainly for the accommodation of the section through which it runs, and as the means of affording the low, with facilities for procuring the products of the up, country, without special reference to profit, then it may be treated and conducted as an independent work. The Road is the peoples' property, constructed for their common benefit, and therefore, it is peculiarly appropriate for you, as their representatives, to prescribe the line of policy to be pursued.

Nor is it necessary to discuss the various plans suggested for its future management. Some insist, that it should be sold, either in part or in whole, so as to sever its ownership from the State, or to give its control to private individuals. Others urge that it should be leased for a term of years. These propositions were discussed by my immediate predecessor, and considered by the last Legislature. They have also, in the mean time, engaged the popular mind, to a considerable extent, and you are doubtless prepared to represent correctly, by your action, the public sentiment. Another mode proposed is, to place its management in the hands of a Board, composed of three Commissioners, to be chosen by the people. I refer to these propositions to demonstrate what, I believe to be indispensable to meet the expectations of the people of the whole State, and that is, the necessity of removing its administration beyond the arena of politics—of taking it from Executive control—of making it independent of party influences. However widely different these various propositions are, they afford conclusive evidence of the restlessness of the popular mind on the subject. The sentiment is all pervading, and is manifested in a thousand forms, that

this is expected and demanded at your hands. How it shall be done, is the question for your wisdom. I have no hesitation in expressing the firm belief, that it were better to adopt any one of these propositions, than to permit the Road to be managed under the present mode of its organization. The idea of this vast capital being subjected to the fluctuations of party politics—confided to agents, who, as a general rule, will be changed every two years, in obedience to the utterances of the ballot box, is preposterous and ridiculous in the extreme. It is only Rail Road men who understand the conduct of these great works. Politicians, who aspire to Gubernatorial honors, know but little, if any thing, about it. How absurd, therefore, to place the Executive at the head of the Road—inexperienced, and therefore disqualified—and expect him to manage it with skill and success? How unjust to him—how hazardous to the interest of the people, to saddle him with so heavy a responsibility. Without disparagement to predecessors, it is believed, that the Road has never been better managed, than it has been during the last two years. Economy and punctuality, in every department, have been enforced—not a dollar lost by defalcation—not a dollar recovered in litigation for damages which accrued within that period—but few and slight disasters from running off or collisions of trains—and yet the dissatisfaction and complaint, in certain quarters, are deep and loud. All, all demonstrating that the policy of severing it from Executive control, is absolutely imperative. I respectfully urge the Legislature to do it.

Under the resolution of the last Legislature, for that purpose, I appointed the Hon. John D. Stell a Commissioner, “to proceed to the State of Tennessee, to procure the repeal of the law of that State, which subjects the Western and Atlantic Rail Road to suits in her Courts, and to fix upon such terms of negotiation and reciprocity, as shall be acceptable to both States.” As the result of his mission, I herewith submit the Message of the Governor of Tennessee, and the action of her Legislature upon the subject. You will perceive that they, by Resolution, authorized him to “appoint a Commissioner learned in the law, whose duty it shall be to confer with the Commissioner appointed by the Governor of Georgia, either here (in Nashville) or in the State of Georgia, upon the subject of the intercourse by Rail Road between the two States, with instructions to report to the General Assembly of this State (Tennessee) all the legislative action that has been had by the two States in reference to this matter, and also what further legislation, if any, is necessary to preserve the rights of the citizens of Tennessee, and to maintain our friendly relations.” After Mr. Stell returned, he surrendered his Commission, and I appointed William K. DeGraffenried, Esq., in his stead, to complete the negotiation. The Govern-

or of Tennessee appointed James A. Whitesides, Esq., under the resolution above quoted. These two gentlemen have had a meeting, but finding that the question of the jurisdiction of the Courts of Tennessee over the Western and Atlantic Rail Road was made in the McClung case, then pending before her highest judicial tribunal, they considered it most prudent and respectful to await the decision, before proceeding with the negotiation; for the Court might determine the question in our favor, and thus end all trouble on this score. But our hope of so gratifying a result has failed. I understand the Court has decided against us. Hence, if no satisfactory adjustment between the two States can be effected by negotiation, it will devolve upon you to determine the course to be adopted. A lease or sale of that portion of the Road which is within the limits of Tennessee, would seem to suggest itself as the most natural remedy.

PENITENTIARY.

I refer you to the Report of the Principal Keeper for the operations of the Penitentiary. The following statement exhibits its present financial condition.

Resources and Liabilities on 1st Oct., 1855.

RESOURCES.

To Notes and Accounts,.....	\$23,276 03	
Of which are considered bad and doubtful,.....	2,702 27	\$20,573 76
Cash,.....		2,807 80
		<u>\$23,381 56</u>

And the Liabilities are :

Due Officers and Guard,.....	\$7,590 89	
“ Individuals, Inspector’s Dept.,.	8,483 32	
“ do B’k Keeper’s “ ...	504 95	16,579 16

Resources over and above Liabilities, collectable, \$6,802 40

To which add:

Manufactured Articles, in B. K’s Dept.,	6,747 90	
Material on hand, P. K.’s, Dept.,....	10,257 91	17,005 81
		<u>\$23,808 21</u>

Hence, it appears to have been managed with quite as much ability and success, as under previous administrations. Still, I feel constrained to say, what its whole history confirms, that it has, to a great extent, proved to be a failure. A brief glance at the causes, will point out the remedy. It is the duty of the Legislature to apply it promptly.

The original design of the Institution was two-fold; 1st, to substitute efficient punishment for crime, properly ad-

justed to its demerit, for the gallows, in the higher, and the application of the pillory and whipping post to the lower, grades of offences; and 2ndly, by connecting labour with confinement, to make it a self-sustaining system. The first object has been so far accomplished only, as to dispense with those engines of cruelty and barbarism. But the Penitentiary has failed to answer the great ends of punishment—reforming the criminal and deterring others from crime. It never can answer these purposes under its present organization. From the utter impossibility of preventing intercommunication between the convicts, and the absence of all classification of them, according to the moral character of their respective offences, the hope of reformation is unavailing—is vain and futile. It is rather a school in which, the villain learns to be more obdurate in his depravity, and he who is imprisoned for an offence, not involving the darker shades of turpitude, loses the little self-respect remaining to him, by the necessary contact with his associates, and is thus ultimately robbed of this last trait of human redemption. The exceptions to this general remark, few and far between, confirm its truth. Hence, the Penitentiary ceases, to a great extent, to be a terror to evil doers. It also fails to answer the other object of punishment—that of deterring others from violating the laws of the land. The loss of personal liberty, of the sweets of social life, and the necessity for constant toil and restraint upon the passions, should constitute the terrors of imprisonment. But organized as it is, how feeble and impotent are these sanctions, under our system of Penitentiary confinement!

It has most signally failed to accomplish the second design of its formation—that of being a self-sustaining system. The proof of this is found in the large appropriations, which the Legislature have been compelled, at almost every session, to make for its support. There are palpable causes—causes that meet the eye of the most superficial observer—which render it impossible for it to pay its own expenses. Its wall encloses only about two acres of ground; is it to be expected that, one hundred and seventy-five men can be employed profitably, upon so small an arena, in which it is impracticable to diversify labour? It is located where materials for manufacturing cannot be obtained, without the payment of ruinous prices.

- The question then arises, what is the remedy? Remove it into another region of the State. Construct it upon a plan sufficiently capacious to meet all the conditions required. So arrange its apartments as to classify the convicts, according to the moral character of their offences, and to secure absolute prohibition of all social intercourse among them. Locate it at a point where material of all kinds can be procured cheaply, and build it of stone and iron.

Now is a most favorable time to apply this indispensable remedy. The present wall and buildings are all dilapidated and tottering, and they offer hourly temptation to the devouring element. Something must be done, and done now. The present structures are incapable of such repairs as will render them suitable for the purposes desired. The whole concern must be rebuilt, if you intend to continue the institution and to make it what it ought to be.

By removal, you can remedy another great evil. You can locate it, at a point, at which, heavy operations in iron and stone, may furnish employment for the Convicts, and thus dispense with the common branches of the mechanic arts. On this score the present system is most detrimental. So far from retarding, the State should so shape her policy, as to encourage industrious and honest men to engage in them. But what is the effect of the present Penitentiary system? It degrades them, by turning loose annually a corps of graduated villains, half skilled and too depraved, in most instances, to perform according to their ability, who will work at reduced prices, and thus meet the honest mechanic with ruinous competition. In arranging a system of Penitentiary labour, this reform should not be disregarded; but situated as the institution now is, it is impracticable.

In submitting this subject to your consideration, your attention is directed to the suggestions, under this head, contained in the Report of the "Finance Committee on the state of the Treasury, &c.," and the report of the Principal Keeper.

INTERNAL IMPROVEMENTS—STATE AID.

If we look to the geographical position of the State, it is not singular, that she has taken the lead of her Southern sisters, in works of Internal Improvement. She occupies the gap between the Southern spur of the Alleghany mountains and the Atlantic, and is, therefore, the portal through which the travel and products of the great vallies of the West must find their transit to the "highway of nations." Such a position fixes upon her a heavy, but glorious responsibility, involving a mission for the future, worthy the most comprehensive grasp of enlightened statesmanship. On the other hand, her varied and inexhaustible mineral and agricultural resources, afford a perpetual stimulus and prompt to constant efforts to secure the means of their development. These considerations create a twofold obligation upon the Legislature; the one, to adjacent States—the other, to her own vast internal interests. Hence, to comprehend fully their legitimate scope of action, the Legislature should assume a lofty stand-point from which they can survey the whole field. Holding in her hand the key which opens the Atlantic to the West, the State should so use her power, as to

force, by a compulsion mutually advantageous, the travel and produce which seek the ship, to become tributary to her own wealth, prosperity and greatness. Looking to this, as the light to guide her general policy, she should likewise, as the proximate motive of action, keep in view the development of her natural resources, and the advancement of the people, in all the elements of the highest and best civilization. Hence, the paramount necessity of well defined and well regulated *system*, in our scheme of Internal Improvements. It does not follow, that a charter for a rail-road must be granted, as a matter of course, when asked. An enlightened legislature, comprehending fully the system, its design, and what is best calculated to advance the general welfare, will inquire whether the charter asked, is in harmony with that system, what will be the bearings of its connexions without the State, what its effect in developing our resources, and what its relation to other works under which large interests have become, or are likely to become, involved and vested? The system in Georgia, though in its infancy, is yet sufficiently advanced to indicate the ultimate shape which it is likely to assume. On her eastern border she has three points, which have formed and are seeking to form connexions with the various sections, internal and external, whose productions will foster their growth and prosperity. These points are Augusta, Savannah and Brunswick. The two former are connected, by Roads completed, with Tennessee and Alabama; and the latter possessing a harbor, unsurpassed by any on the Atlantic coast, south of the Chesapeake and flanked by an extensive territory, covered by the best pine field in the world, and of wonderful agricultural fertility, seeks a connection with the vast region that skirts the Gulf of Mexico. In a word, these three cities form the basis of our system, and the lines through the State which connect, or propose to connect them, with her own great divisions, within, and exhaustless feeders, without, constitute its frame work or skeleton. Its symmetrical completion should both define and limit the policy of Legislative action. It will be most speedily accomplished by private capital aided by the loan of State credit. Such charters, and such only, as may be required for necessary intermediate connections and facilities, should be granted, to fill out the system; and these should be constructed by unaided private capital. But to complete the skeleton of the system, so as to extend an arm into each of the grand geographical sections or divisions of the State, she may, with propriety and wisdom, lend her credit, under securities and guarantees, which will place her beyond the contingency of ultimate liability and loss. To that extent the Legislature may go: but to that extent only should it go, and with well considered caution and well guarded prudence.

The direct appropriation of money or subscription for Stock, by the State, to aid in the construction of rail roads, is considered to be unwise and inexpedient. Its tendency is to emasculate private enterprise, by removing the necessity of self reliance. It will complicate the State with individual interests, which experience teaches to be dangerous to the public welfare. It will increase the State debt, and consequently create a necessity for burdensome taxation.

The construction of the Western & Atlantic Rail Road, by the State, is regarded, both as a precedent and an argument in favor of direct appropriations, in aid of internal improvements. But it ceases to be forcible, in either point of view, when we consider the circumstances which prompted that magnificent project. At that time, there was not a rail road in Georgia. Private capital refused to be thus invested, because experiment had not shown either the practicability or profitableness of such works. Besides, the region which it penetrates, though abounding in agricultural and mineral fertility, is mountainous and difficult of access. It was socially and physically severed from the lower region of the State and advantageous markets for the products of its industry. On the one hand, rail road enterprise needed the stimulus of example; and on the other, the North West was incapable of development by private capital. Hence, the State embarked in the enterprise; and if no other advantage shall ever be realized, the enhanced value of the lands of Cherokee Georgia amply remunerates the State for the outlay, and vindicates the farsighted wisdom of its projectors. The justification of the State was the necessity of the case; but where the necessity does not exist, the reason for the policy does not obtain.

But viewed in another light, the building of the Western & Atlantic Rail Road by the State does furnish a sound reason why other sections may ask, with propriety, her fostering aid, in the form of a loan of her credit. That work cost not less than \$5,000,000. The region through which it runs was then very sparsely populated and consequently contributed a comparatively small portion of the expense of its construction. Middle and Southern Georgia bore the tax; they bore it generously and patriotically. It is therefore, not arrogant nor unreasonable to ask, in return, such aid from the State, as will develope other sections and bring them within reach of advantageous markets. The request would come with the force of an appeal to the magnanimity of those, who are the special beneficiaries of this large State beneficence, to practice the spirit of enlightened reciprocity.

There are those, whose patriotism and intelligence are entitled to great respect, who earnestly advocate the policy of the State aiding works of internal improvement, by is-

suing her Bonds for a sufficient amount, per mile, to purchase the rails, to all Rail Road companies which shall have completed the grading, &c., of their respective Roads, and made them ready for laying the superstructure. But I regard it wild and hazardous, and the adoption of such a measure, as the worst calamity that could be inflicted upon the State. If there could possibly be any necessities which would justify it, they certainly do not exist in Georgia.—Rail road enterprise, with us, does not need stimulation, but rather wholesome and judicious direction. Such a system as that however, would multiply those works—or attempts to construct them—indefinitely; and the sequel would be a crushing State debt, impaired State credit, ruinous depreciation of State Stocks and general paralysis, in all the departments of business and labour. States, like individuals, will retard their progress, if they endeavor to advance too rapidly. A system of internal improvements should be rather a growth, developed and gradually matured by the action of the laws of social and commercial progress, than the artificial result of restless, impatient, and ill guided, but well-meant legislation. Let us shun both Sylla and Charibdis and move cautiously through the strait between the two extremes.

BANKS—ATLANTA—CENTRAL—DARIEN.

The various Banks of the State have promptly made their reports, from time to time, under Executive proclamation, issued in obedience to the law regulating that subject. By the exhibits made, those institutions seem to be sound and healthy. Still, the Legislature cannot be too vigilant, in their examinations, nor too stringent, in restraining them within the limits of their respective charters. New charters should be granted with caution, and only at points, where the interests of trade require an increase of Banking capital and facilities. Created in reference to such demand, they are public conveniences; otherwise, they are mere brokerages and shaving shops, and being compelled to realize their profits by other means than the appropriate business of Banking, they become engines of ruthless oppression and lawless usury—grinding the faces of the necessitous and waging a guerrilla warfare upon the safer and better institutions of the State. The practice seems to have obtained, of late, with some Banks, of sending their issues to distant States, not seeking nor desiring a home circulation. As yet, it is not known, that material injury has resulted, but that it is violative of the correct principle of Banking, is not to be doubted. It is equally certain, that their ultimate failure will bring reproach and dishonor upon the State.—Hence, it would be well for the Legislature to investigate the extent, character and policy of these distant opera-

tions. Are they not hazzardous to the financial welfare of the State? Are they not inconsistent with correct Banking principles? Are they not against the reason and spirit which prompted the Legislature to charter them? Is it not bad policy, for the General Assembly of Georgia, virtually to establish Banks for other States, although nominally located within our limits? These are grave questions. I am not prepared to say, what ought to be the effect, if investigation should furnish an affirmative answer to them. That it would disclose a fearful evil is certain; but whether it is within the reach of legislative remedy, consistent with chartered franchises, can only be determined by the facts developed. If such disclosures should amount to a fraud upon the intention of the Legislature, in granting the charters, or show a misuser of the charters, by their perversion to purposes, not contemplated by their creation, the remedy is plain. The whole subject is respectfully submitted, and if nothing more valuable result from its discussion, it will, at least, inculcate the salutary lesson, that hereafter they shall be granted upon such terms and restrictions as will prevent the evil.

In compliance with a resolution of the last Legislature, I appointed L. E. Bleckley, Esq., Solicitor General of the Coweta Circuit, to enquire into and report, the circumstances attending the organization of the Atlanta Bank, and also its mode and places of transacting business. He performed the duty with ability and neatness. It was a laborious service, not necessarily appertaining to his office, and therefore, it is but justice, that the Legislature should make an appropriation for his liberal compensation. In examining the Report, I did not deem the irregularities, in the organization of the Bank, or the place and mode of its transactions, to be of such a character as to work a forfeiture of charter, and therefore, I have not caused judicial proceedings to be instituted for that purpose. It is, however, herewith submitted, that you may take such action in the premises, as you may deem proper and expedient.

In obedience to Executive order, to turn over the assets, of every description, of the Central Bank, either in his hands or those of Attorneys or Agents to two or more suitable Attorneys or Agents, the Treasurer, on the 15th of July, 1854, entrusted the same to William L. Mitchell, Esq., and James N. Bethune, Esq., with full power to collect, compromise or dispose of, upon an agreement, that they should retain one half of the amounts realised, as compensation for their services. These assets were in great confusion, consisting of Notes, Bills of Exchange, returned as insolvent, Attorney's receipts and *fi fas*, endorsed "Nulla bona," scattered over the entire extent of the State. The aggregate amount was \$312,650 63. As yet, but little has been collected, and it is quite certain, that the ultimate loss, on this

score, must be very large. The indebtedness of the Bank, exclusive of her outstanding Bonds, is about \$36,140 00. It is hoped, that sufficient may be realized from these assets, to pay this liability, but the hope is not founded upon such data as to make it confident. From the known energy of the gentlemen entrusted with them, all that can, will be accomplished. For accurate information, as to the amount, thus far, collected, you are respectfully referred to the Report of the Treasurer.

The Commission to settle the claims of the creditors of the Darien Bank upon the State, under an act of the last General Assembly, approved, February 14th, 1854, performed the duty assigned them. The Hon. Eli H. Baxter, not accepting, William L. Mitchell, Esq., was appointed in his stead. The Hon. Walter T. Colquitt and Richard H. Clark, Esq., were appointed as Attorneys to represent the State before the Commissioners. Early however, in the progress of the investigations, the former departed this life, whereby the labour and responsibility were devolved upon the latter. It is but a tribute of justice to bear testimony to the signal ability and success, with which he performed the duty assigned him. By his diligence, industry and legal research, he doubtless saved the State many thousand dollars. The award of the Commissioners was appealed from to the Superior Court of Baldwin county, and thence, the questions of law were carried, by Writ of Error, to the Supreme Court. The ultimate liability of the State, including compensation to the Commissioners, Counsel fees and Court costs, was only \$48,500 00. By authority of the act under which the proceedings were had, this amount was paid, with the proceeds of State Bonds, sold at par, dated July 1st, 1855, and payable ten years after date, at the city of Savannah.

PUBLIC PRINTING.

The publication and distribution of the Laws and Journals, of the last Legislature were not accomplished until a year after the time required by the law regulating the duty of the Public Printer. This affords the second, of two successive instances, showing the absolute necessity of requiring this work to be performed at the Seat of Government. The act of the 16th of February, 1854, clothes the Executive with enlarged power over the subject and, under proper circumstances, it might be exercised with advantage. But there were considerations connected with the delinquency of the late Public Printer which induced forbearance. Under that act, if the delay, in the delivery of the Laws and Journals, go beyond six months, the Executive is authorised to remove him from the office and appoint a successor. Ere the expiration of the six months however, the Public Printer

had the misfortune to lose, by fire, almost the entire edition of the House Journal. Soon after that, the city of Savannah was visited by the Yellow Fever and he fell an early victim, leaving the work unfinished and the office vacant. Messrs. Boughton, Nisbet & Barnes of the Federal Union press, were appointed to reproduce the requisite number of copies of the burnt Journal, and they executed the work with great fidelity and dispatch. However sad the reasons for the delay in this instance, and however far they may go to remove the censure which the public mind, under other circumstances, would visit upon the delinquent, it does not weaken the reason for requiring the work to be done hereafter at the Seat of Government.

There is still another and unanswerable argument in support of such requisition. The 9th section of the act referred to, very properly, requires the Compiler, to read the proofs of the Laws and carefully compare them with the enrolled Acts. Those acts cannot be removed, with propriety, from file in the office of Secretary of State. Hence, the exceeding inconvenience, almost impracticability, of thus reading and comparing the proofs. I therefore, earnestly recommend, that, who ever may be the Public Printer or wheresoever resident, he shall be required, by law and the terms of his Bond, to execute the work in the city of Milledgeville. It will secure dispatch, accuracy and fidelity.

A large amount of the expense of this branch of the public service may be saved, without detriment. The law requires the publication of 4000 copies of the Journals of each House; whereas, 2000 copies of each would be a most ample supply. It is well known, that the Journals, in most cases, are deposited with the Clerks of the Courts of the several counties and are piled away unappropriated to mould or rot or waste. It also requires 5000 copies of the Laws, whereas 2500 would be sufficient. Why continue the useless expense of so many copies of the Laws and Journals? Under this head, there may be a still further reduction of the expense, by printing the Journals in smaller type. By the change, in these two respects, several thousand dollars may be saved to the Treasury, without any detriment to the public interest. I therefore recommend the publication of 2000 instead of 4000 copies of each of the Journals, and 2500, instead of 5000 copies of the Laws—the Journals in Long Primer, instead of Small Pica type. The marginal notes to the Laws are almost useless; they may well be dispensed with, and thus save another very considerable item of expense.

A still greater saving may be effected by letting the Public Printing to the lowest bidder, under sealed proposals, to be opened and the contract awarded, on a specified day, by

the Executive. I therefore recommend the adoption of this plan of selecting the Public Printer. Fidelity and despatch may be secured by responsible Bondsmen and the continuance of the powers of the Executive over the subject with which he is clothed by the existing laws.

Mr. Chapman received on account of printing the Laws and Journals the following sums, to-wit :

As an advance by legislative authority, .	\$6,000 00
Under Executive Warrant,	\$11,000 00
Freight on Journals properly chargeable to him, .	100 00
Paid J. M. Cooper & Co., to lift lien for binding Laws,	1,137 00

Amounting in the aggregate to \$18,237 00

For the work performed by him, according to an estimate made by Geo. Ringland and Wm. Barnes, practical printers, at the request of the Executive, he was entitled to receive \$13,749 80, showing an over payment of \$4,487 20. The estimate is based on what he would have been entitled to, according to the rates of compensation fixed by law prior to the act of 16th February, 1854. He should be held down to those rates, on account of his failure to perform the work according to contract, a faithful compliance with which only, entitled him to the increased compensation provided for by that act. If however, he should be considered as deserving, under the circumstances, the rates of compensation provided for by that act, he would then be entitled to receive for the work done by him the sum of \$16,172 00, which deducted from the \$18,237 00, which he actually received, shows an over payment still, of \$2,065 00. For the one or the other of these amounts of over payment, according as the Legislature shall hold him to the rates of compensation of the old or the new law, his securities are responsible to the State. Under this view of the subject, it is respectfully submitted to the General Assembly to determine whether, under the circumstances, they will direct suit to be brought upon the Bond of the State Printer.

THE SEAT OF GOVERNMENT.

The question of the removal of the Seat of Government has been agitated, from time to time, for many years. The last Legislature, impressed with the importance of its final settlement, referred it to the legal voters of the State, and required them to endorse on their tickets "removal" or "no removal," and "if to be removed, where." The following is the official vote on the first Monday of October last, accord-

ing to the official returns on file in the Executive Department: No removal, 49,781; Removal to Atlanta, 29,337; to Macon, 3,802; to Thomasville, 1; to Savannah, 93; to Marietta, 4; to Gordon, 1; to Fort Valley, 1; to Griffin, 313; to Waynesborough, 1; to Rome, 4; to Madison, 5; to Stone Mountain, 4; to Indian Springs, 2; to Sandersville, 5; to Barnesville, 1; to Hootensville, 1; to Augusta, 1; to Clarks-ville, 1; to St. Simon's Island, 1; to Lumpkin, 1; removal to no place designated, 952; scattering, 14. The aggregate vote upon the question of removal is 84,326, of which 49,781 were for "no removal," and but 34,545 for removal to all other places. Hence, it appears, that the majority for "no removal," over all others, is 15,246. The Gubernatorial vote, at the late election, was about 104,250, showing that there were about 19,705 legal voters who did not vote on the question of removal. Hence, if it be a fair construction, as it would seem to be, that their failure to vote is expressive of their contentment with Milledgeville as the Seat of Government, it is evident, that the popular will is overwhelmingly opposed to its removal. If the Legislature should concur in this view, then, it is due to the public as well as to the citizens of Milledgeville, that you should, at once, by decisive action, put a quietus to the further agitation of the question. Not the least effectual mode of accomplishing this object, will be to make necessary repairs and additions to your public buildings. The State House should be repaired and suitably enlarged. The square should be graded, cleared of the Arsenal, Magazine and the four Churches, upon just compensation to the respective denominations, set with shade trees, and enclosed by a substantial iron fence. The Executive Mansion, also, should be thoroughly repaired and refurnished, and the lot surrounded with an iron enclosure.

By resolution of the last Session, I was "requested to furnish to each branch of the Legislature, the amount of the original cost of the public buildings at Milledgeville, exclusive of the Penitentiary and Lunatic Asylum, and what amount is necessary to so repair them as to make them suitable for the purposes for which they were intended." This resolution passed just at the close of the Session, and consequently, could not be responded to, before its adjournment. I am unable, even now, to give a full reply. As far as can be ascertained, the public buildings, including State House, Executive Mansion, and out houses, the Arsenal and Magazine, have cost, first and last, about \$300,000 00. I have engaged Messrs. Sholl & Fay, professional Architects, to furnish information on the second branch of the resolution. They have already submitted to me a rough sketch of the additions and improvements to the State House which are necessary; and they authorize me to say, that the whole can be completed for \$125,000 to \$150,000. They are now en-

gaged in making the necessary drawings and estimates of the expense; and at an early day, they will be ready for transmission to the Legislature.

The State House is entirely unprotected against the ravages of fire. You should authorise the construction of a large cistern on either side, and the purchase of a Fire Engine. This precaution is highly important, and, cost what it may, it will be wise and provident economy.

ANNUAL SESSIONS.

I recommend a return to annual Sessions of the General Assembly. The growing and diversified interests of the State require it. The people, in a popular government, should, every year, have their minds specially directed to the principles on which it is based and should be conducted, and by their representatives, review its administration. Nothing will so effectually enforce responsibility upon its officers of every grade, from the highest to the lowest. So far from being an evil, annual elections are important; they interest the masses in the politics of their country, and they become enlightened by the discussions they provoke. The Executive term begins and ends with the Legislative, and consequently, both Governor and Legislature enter upon their respective departments without much knowledge of the duties they require. The Legislature adjourns and leaves the government in the hands of the Executive; his term expires at the assembling of the next, and no opportunity is afforded to review his conduct, until after he has retired from office. The remedy for this is a return to annual Sessions. But the duration of the Session should be limited by the Constitution.

EDUCATION.

Our political system is based upon the maxim, that the people are capable of self government. This presupposes intelligence, to know how to govern, and virtue, to give that intelligence proper direction. Hence, the importance of a system of public education to enlighten the intellects and moralize the hearts of the masses. The importance of this subject is paramount and should bring into requisition all the wisdom of the Legislature; whilst the thousands of poor children within the State, too indigent to provide for themselves the blessings of education, but who must have it, as an indispensable qualification for good citizenship, should awaken an enlarged and benevolent liberality. The returns for 1854 show that 42,467 belong to this class, who are entitled to participate in the pittance of \$23.35 provided for their benefit. The considerations which should prompt to efficient action are apparent to every reflecting mind. They are such as challenge the attention of the highest statesmanship. We see them not only in the necessity of educa-

tion to the perpetuity of popular liberty, but in the thousand social blessings which it confers. It promotes public peace, gives security to property, diminishes crime, lightens the expense of administering the laws, stimulates enterprise, directs industry and capital and hastens the march of civilization. The difficulty is, not to determine what ought to be done, but how it shall be done. The subject becomes more and more embarrassing, each successive year, because the increase of poor children, renders the amount of money adequate to the emergency, more difficult to be raised. Hence, if the Legislature ever intend to come up fully and fairly to the high mark of enlightened duty, it would seem, that the time has arrived, when they should initiate a system, capable of gradual expansion and self sustentation. I shall venture no specific recommendation. I prefer rather to submit the great subject to your wisdom, animated as it must be, by patriotic desire, to promote the happiness and prosperity of the State. But if I could command the power to awaken the proper spirit and excite the proper liberality, I would make the appeal with an urgency which should be overwhelming, that the General Assembly will not rise, until it shall have redeemed the high obligations of the *present*, to *future* generations. Georgia is in advance, in material prosperity and improvement; she is in the rear, on the subject of common school education. The ship, driven before the wind, may sail rapidly, for a time, without a helmsman, but she will be wrecked at last. Education is to State progress, what the helmsman is to the ship; the more rapid her career, without it, the sooner she will be stranded.

In this connection, the State University is earnestly commended to your fostering care. By reference to the act of 1785, "for the more full and complete establishment of a public seat of learning in this State," it is quite evident, that our forefathers designed to erect a University of the highest character. It is apparent, from the preamble to the bill and from the very liberal endowment for which they provided. In view of the paramount importance which they attached to liberal education, as a means of sustaining and perpetuating free government, they felt that it was a humiliating acknowledgment of the ignorance or inferiority of our own State, to send our youth abroad to others, for its acquisition. If this were true in 1785, the policy which, they then deplored, is still more to be deprecated now, when, by sending them to other States, they are surrounded by prejudices and influences against our domestic institutions, calculated to give an unwholesome direction to their sentiments. The original design of the founders of our State University ought therefore to be completed and perfected. It should be so endowed, and furnished with all the facilities for the prosecution of scientific research, as to enable the devotees of learn-

ing, to reach the highest attainments. Several other professorships should be created, and ample appropriations made for such compensation as will command the highest talent to fill them.

By the liberality of the late Dr. William Terrell, an Agricultural chair has been established and \$20,000 donated, the interest of which is to be applied to the support of its Professor, in the State University. But this is inadequate. To render the department efficient and useful, the Legislature should, not only increase the sum to the extent of an ample endowment, but also make a suitable appropriation for fitting it up with ample means of instruction, illustration and experiment. The appeal, upon this score, will not be in vain. It is the first movement, in Georgia, in favor of Agricultural education, hitherto more neglected, although more important, than any other branch. The Professor may produce annually his course of Lectures, and delight his class with the theory of Agriculture, but he must have the means of illustration and experiment to unfold its relations to, and dependence upon, Mineralogy, Geology, Botany, Chemistry, Natural History and Mechanics. Agriculture is the most important, because it is the foundation of, all other pursuits. It supplies Commerce and Manufactures, in all their various and multiplied departments, with whatever imparts to them activity, prosperity and vitality. Hence the indispensibility of its being directed and dignified by the light of science and the devotion of educated mind.

AGRICULTURE AND MINING.

The promotion of Agriculture and the development of our Mineral resources should engage the earnest attention of the Legislature. In the older region of the State, much of the lands have been exhausted by tillage, and planters are turning attention to the reclamation of swamps, by ditching and embanking. The latter process, in many instances, is prevented by the fact, that embankments throw back water over the lands of adjacent owners. When this is the case, the apprehension of an injunction arrests the enterprise. I recommend the passage of a law to authorise any person owning swamp land, on one side of a stream or creek, to embank the same, although it should have the effect to increase the water over the swamp of the other side, owned by another. Such an act will greatly promote such enterprises and lead to the reclamation of thousands of acres of the most productive lands, which are, otherwise, valueless.

As a further means of encouraging Agriculture and the development of the mineral wealth of the State, I recommend, that provision be made by the Legislature for the appointment, with a suitable salary, of State Geologist, Mineralogist and Agricultural Chemist. His office should be

located at the Capital and his general duty should be to make a Geological survey of the State, direct the mode of testing for ores, analyze soils and point out the various kinds of manures for their fertilization. To make the organization of such a department efficient and useful, it would require the State to be divided into Geological Districts, and the employment of assistants. Its details however, will readily suggest themselves to the Legislature, and the policy, once adopted in good earnest, time and experience will very soon perfect it. A similar appointment, in other States, has been attended with the most beneficial results. It is more easy to adduce than to select illustrations of its advantages. In Georgia, but little attention has been devoted to Agricultural education; and without disparagement to our planters, it must be confessed, that their success is mainly the result of fertility of soil and unconquerable energy and industry. They owe but little to the application of scientific principles to the multiplied details of the plantation. But as the lands become exhausted by such a system of cultivation, they will refuse their wonted yield, until science shall come to their rescue, by showing the means of their resuscitation. The office under consideration will, to a considerable extent, remedy this wide spread evil. By his analysis of specimens of soils furnished to him, he will explain to the owners the character, components and quantity of the manures required to fertilise them. By delivering public lectures as often, and at as many points, as he may be able, he will instruct the inhabitants of whole Agricultural districts, as to the qualities of their lands, and the fertilizers best calculated to confer upon them the highest capacity for production. This will soon awaken the proper spirit among the people and lead, as an ultimate result, to a just appreciation of the importance of Agricultural education. The aggregate of advantage could be ascertained only, by knowing fully the loss to the country, from the absence of, and the amount gained by, the application of science to the operations of the plantation. And how shall we estimate the thrift and activity which such an appointment will impart to the Mining interest of the State? Her mountains and hills are rich in embedded mines of ore. As yet, we have made but little progress in their discovery. Vast sums are expended, in blind experiments to ascertain their location, resulting often in the hopeless ruin of the zealous seeker after hidden wealth. The large amount saved, in the work of testing for ores, is the least of the advantages of the appointment under consideration. The actual wealth which would be developed by the scientific direction of these operations, is absolutely incalculable, whilst it would, at the same time, open new channels for capital and industry. and furnish employment for

thousands of laborers. I may not dwell at greater length upon this interesting topic. I trust it will engage the serious deliberations of the Legislature, and that they will act as becomes enlightened statesmen.

WEIGHTS AND MEASURES.

By an act of the last General Assembly, approved February 9th, 1854, the Governor was directed, to cause to be procured in some cheap and economical way, fifty standards of weights and measures, each to correspond in weight and measure, with those now in the Executive office, for the use of the new and such old counties, as have not been supplied under the Act of the 23d of December, 1839. Upon proper investigation, it was ascertained, that it would require about \$3,500 00; and as the Legislature made no provision for the payment, the act has not been carried into execution. The object is important and you should make the requisite appropriation.

JUDICIARY.

A case has been brought to my notice, by the enlightened courtesy of the Hon. W.* B. Flemming, Judge of the Eastern Circuit, which suggests the propriety of legislative remedy.

A man by the name of McCollough killed a negro, the property of Robert Habersham, Esq., at Fort Jackson.— That place being under the exclusive control of the United States, although within the county of Chatham, he was indicted before the Circuit Court of the United States, and under the charge of Judge Nicoll, was acquitted, on the ground, that the Court had no jurisdiction. He was subsequently indicted in the Superior Court of Chatham and was acquitted upon the plea of former acquittal. The negro was shot at Fort Jackson, but *died* beyond it. Hence, the Circuit Court had no jurisdiction. If he had been prosecuted in the first instance in Chatham Superior Court, then, the plea to the jurisdiction, sustained by the proof, that the *act* was committed at Fort Jackson, which belongs to the United States, would have produced his acquittal. Hence the Legislature should provide, that, in such a case, the prosecution may be had, and the offender tried in the county, in which the death takes place.

The object of punishment is to prevent crime. To be effectual, it must be sufficiently severe, to operate as a terror to evil doers, and sufficiently certain, to cut off the hope of impunity. If it be too mild, the offender will rather endure it, than forego the gratification of his vicious passions and unlawful designs. If more than commensurate with the turpitude of the crime, it shocks the sense of public justice, and consequently, the transgressor escapes. These re-

marks are suggested by the act of the last session, approved 20th February, 1854, imposing Penitentiary punishment on Faro dealing, and gaming of that character. The evil intended to be prevented is great, but the law fails to answer the purpose. There has not been a single conviction under it. The offence goes entirely unpunished—even unprosecuted. It abounds in all our cities and at our fashionable watering places. It is bold; it scarcely seeks to conceal itself from public gaze. Why is this? It is because the penalty is too severe. Public opinion does not demand that it shall be visited with Penitentiary imprisonment. Hence, the law goes unexecuted, and instead of preventing, it has increased the evil it designed to suppress. I therefore recommend its repeal, or such modification as will adjust the penalty to the nature of the offence.

The law organizing the Supreme Court for the Correction of Errors, requires that tribunal to hold its sessions at nine different points in the State, to-wit: Columbus, Americus, Macon, Decatur, Milledgeville, Augusta, Gainesville, Cassville, and Savannah, and to deliver their opinions upon each case, during the respective Terms. This imposes so much travel upon the Judges, and such haste in the formation of opinions, as not only to make their labours almost intolerable, but deprives them of the time for deliberation and patient research, so indispensable for the correct determination of important legal questions. This is a glaring defect and disqualifies the Court from being as useful to the State, as it might and would be, if it were cured. It is doubtless, the true cause of the dissatisfaction with the Court, which obtains in some sections of the State, and threatens its abolition. This would be a retrograde movement, and the idea is not to be tolerated for a moment. The most enlightened Courts sometimes err, even under circumstances most favorable for the investigation of truth. Organised as is our Supreme Court, the wonder is, that it does not err oftener, and instead of this furnishing a ground for dispensing with, it ought to present enlightened men with the strongest reason for remedying its imperfections. I therefore recommend, that the Constitution be so altered as to confine its sessions to one point in the State; and as the State is collecting a valuable Law Library at the Capital, it is the proper point for its permanent location. They should also be permitted, when the Judges may desire, to hold up cases for further deliberation and investigation. This will correct the prominent defects in its organization and render it more efficient.

RETAIL LICENSE.

It is painful to the patriot and christian to witness the ravages of intemperance. Like war and pestilence, it leaves

in its pathway its millions of victims slain, lamentation and wo. It pours desecration and contempt upon all that is hallowed in domestic life, and all that is sacred in the rites of our holy religion. The good man naturally enquires for a remedy. He looks back upon the past—eloquence and argument have grappled with it, social organization has exerted its combined instrumentality, Christianity has wept and prayed over it—and yet the evil continues. Losing sight of the potency of moral suasion, losing faith in the ultimate triumph of truth and virtue, and impatient for summary relief, he feels that legislation must come to the rescue, by prohibiting the sale of intoxicating liquors. This leads us to search for the delicate line which defines the legitimate sphere of the civil power. The Legislature is the guardian of the general welfare. It is its duty to secure public peace and tranquility, and to protect persons, character and property. But why? Not because religion enjoins, but because the interest of the body social demands it. Hence, social and civil necessity only should both prompt and limit legislative action; the promotion of the morality which religion inculcates must be an incidental result, not the primary object. This is the true criterion to guide the law-making power. To transcend it is fanaticism, because it is the recognition of a principle, which would justify the civil authority in taking charge of the consciences of men and enforcing moral reforms by law, which can only be legitimately done by appeal to reason. Hence, the danger and impolicy of attempting to aid the temperance cause by legislative prohibition of the traffic in ardent spirits. It is not only wrong as a principle of legislation, but the public sentiment being adverse to it, the law would not be enforced, intemperance would be undiminished, and the social evils aggravated, which it would design to suppress.

It does not follow however, that there are not abuses connected with our retail license law, which are within the legitimate reach of the Legislative arm. Whoever will examine the criminal dockets of our Courts, will see abundant proof, that the system needs the restraint of a more rigid and wholesome police. It is the fruitful source of crime against life, person, property and the public peace; and therefore it is the duty of the Legislature to apply a remedy. I have given this subject much reflection and am satisfied that, if the existing laws could be sternly enforced, most of the evils connected with our license system would cease. Why are they not enforced? Is it because public sentiment posed to them? Is it because good citizens do not approve them? Is it because the penalties are too severe? By no means. But it is because their violation is covered in secrecy and darkness, so that they escape discovery and detection. The grand defect therefore, is apparent. It lies in

the fact, that the existing law requires the Clerk of the Inferior Court of each County, to grant, as a matter of course, a license to every man who complies with its precedent conditions. Hence, in too many instances, bad and unprincipled men obtain permission to retail, who defy the restraints of law, if they can conceal its violation. Now suppose the retail traffic were confined to men who would respect and faithfully obey the laws for its regulation, is it not evident that the great mass of existing evils that afflict society would cease? The remedy then, is to confine the granting of licenses to such men. How can you effect this? Withdraw the granting power from the Clerk, and vest it in the sound discretion of the Inferior Court of each county. As the guardians of the general welfare, they will exclude vicious and corrupt men from the traffic, and confide it to those whose known fidelity to the laws of the land will be a guarantee for well regulated, and orderly houses. I feel confident, that this change in the license law, would vindicate itself, by the benefits it would diffuse, and meet a sustaining response in the public sentiment.

MILITARY.

Our Militia system requires entire reorganization. It might be well to substitute a commutation tax in lieu of the present onerous requisition of personal service, at the option of the militiaman.

The State should encourage the organization of Volunteer companies. The judicious application of the fund arising from the commutation would be well devoted to that object.

Previous to the last Congress, the State lost largely in the quota of Arms to which she was entitled from the Federal government under the law of 1808, on account of the imperfect returns of our militia strength. We have lost not less than \$50,000, equal to 3846 muskets. But the law is now so amended, as to distribute the quotas of Arms to the several States, according to their representation in Congress. Still however, it is important for you to adopt some plan to ascertain the numerical strength of our Militia. It may be done by requiring the receiver of tax returns in the several counties, to make a list of all male citizens between the ages of 18 and 45 years. This list could be tabulated among their respective Regiments, Brigades and Divisions under the direction of the Governor. This would enable the Commander-in-Chief, in case of a call for troops by the General Government, if the number were greater than could be raised by volunteers, to equalize the draft among the several military divisions.

The State will, in a few years be supplied by a well educated, scientific and efficient corps of young men, to officer her troops, should necessity require, in the graduates of the

Georgia Military institute, capable to discharge the duties of any post, in any department of military service. Two classes, one of six and the other of fifteen members, have already been graduated ; their scientific skill and military knowledge can readily be made available and the volunteer organization of the State placed upon a permanent footing.

There are in the Arsenal, at Savannah, 30 pieces of siege and field Artillery. Most of them have been condemned as useless. They should be sold. The small arms, in both our Arsenals are of obsolete model. These also, with the exception of the Tower muskets in the Arsenal at Milledgeville, should be exchanged for new and efficient weapons.

I commend to your fostering care the Georgia Military Institute. It is destined to supply a great and important desideratum—military education and the nurture of a proper military spirit. Having enjoyed peace so long, we permit both to be neglected. The character of our civil institutions and the pursuits of our people are not calculated to stimulate the arts of war. It is well to be so ; but we ought to profit by the lesson of history, that no people ever preserved their freedom who were not both willing and prepared to fight for it.

ACADEMY FOR THE BLIND.

I transmit the third Annual Report of the Georgia Academy for the Blind, and respectfully refer you thereto, for information as to its progress and financial operations. The sightless objects of its care are entitled to the sympathy and aid of every patriot and philanthropist. The successions of day and night—the changes of the seasons, clothing Nature in the loveliness of infinitely variegated colors, are all unenjoyed, unappreciated by the blind. To them, earthly existence is one long, dark, monotonous night, without a glimmering star to relieve its gloom. Let the Legislature take them under its fostering care, and nurse this infant school into vigorous maturity and efficient usefulness.

GEORGIA ASYLUM FOR THE DEAF AND DUMB.

The Georgia Asylum for the Deaf and Dumb presents similar claims upon your favorable consideration. Its sixth annual Report, herewith transmitted, shows that it is gradually advancing in usefulness. The institution needs more extended accommodations, in the way of buildings. The Report represents, that about \$5,000 will be sufficient for the purpose, and asks the Legislature for its appropriation. It would be well, also, that provision should be made for the employment of an agent, to devote his whole time, in seeking out and bringing to the Institution the unfortunate objects whom it is designed to benefit. The same individual might also be the agent of the Academy for the Blind, and

thus perform the service for both establishments. This arrangement would be, at once, economical and useful, and bring both the Blind and the Mute within the genial sphere of an education adapted to their respective conditions.

LUNATIC ASYLUM.

The Lunatic Asylum, although far from completion, both as to the necessary buildings and the full consummation of the object of its establishment, is yet sufficiently advanced to become a fixed and settled object of Legislative regard and support. Its ultimate success is now beyond contingency. It is destined to be an honor to the taste, liberality and philanthropy of Georgia. Under the Act, approved February 18th, 1854, I appointed Drs. R. D. Arnold, Richard Moore and Phillip Minis, and Hines Holt and A. M. Nisbet, Esqrs., to investigate and determine upon the buildings necessary to be erected, for the additional accommodation of Lunatics. Upon the resignation of Dr. Minis and Col. Holt, their vacancy was filled by the appointment of R. H. Ramsay and Nathan McGehee, Esqrs. The necessary buildings have been determined upon, put under contract, and are in rapid progress of construction. I refer you to the Report of this Board, herewith transmitted, for the details of their proceedings, the terms of the contracts for the buildings, the amount expended, and the amount necessary to their completion.

Looking to the proviso of the fourth Section of this Act, I first doubted, whether it authorized the work to proceed, if the estimates transcended \$50,000. But being satisfied, as it must appear to every intelligent man, that the Institution could not be enlarged to an extent equal to the necessity of the case, nor in architectural harmony with the original design, nor in accordance with the character of the State, my construction of the proviso was, that it intended to limit the expenditure to \$50,000 prior to another Session of the Legislature. It was the opinion also, of the Commissioners, a majority of them being Physicians, familiar with the necessities of such Institutions, that, if the Legislature intended to limit the extent of the improvements within the aggregate and final sum of \$50,000, it was totally inadequate to furnish the necessary additional accommodations. Hence, it seemed to be the reasonable intention of the Act, to initiate such improvements and additions to the Asylum buildings, as would enable the Institution to fulfill the end of its establishment, to appropriate \$50,000 for the the first two years, and leave it to a succeeding Legislature to complete the work. Under this construction of the law, I did not hesitate to sanction the Report of the gentlemen appointed, and permit the work to progress. It will devolve upon the Legislature to make the appropriation necessary for its completion.

I herewith transmit the bi-ennial Report of the Trustees

Superintendent and Resident Physician. From them, you will learn fully the progress, condition and operations of the Institution; all reflecting credit upon the fidelity and ability of those to whom its interests are confided. They will disclose to you its wants; let them be supplied with a liberality commensurate with the claims of the unfortunate demented, and worthy the character of a great and growing State.

PARDONING POWER.

The Executive is charged with no duty more embarrassing and delicate than that of deciding upon petitions for Pardon. In most cases, the application is sustained, not only by a long list of signers, but by the streaming tears of the heart broken wife or mother. To resist such appeals requires a firmness of nerve, bordering upon stoicism, and a deafness to the cry of distress, which resembles indifference to human woe. But the Executive, whilst he remembers his oath to execute the law in "mercy," must also look steadfastly to the great interests of society which are involved in the exercise of the Pardoning Power. The public are deeply concerned in the proper punishment of crime. The security of life, property, reputation and the social weal depend upon it. Certainty and uniformity in the execution of the criminal laws are of incalculable importance. They are terrors to evil doers, whilst facility, in pardoning offences, gives license to the commission of crime, by holding out the hope of impunity. Impressed with these views and the opinion, that too much clemency has been heretofore practised, I have interposed with great caution. For the purpose of preserving consistency and settling the principles upon which this power should be exercised, I have opened a book in this office, entitled the "Pardon Docket," in which every case of application is entered, and the reasons briefly stated on which it was decided; and I have adopted written rules for my guidance. In order that proper responsibility to the public may be secured, I respectfully recommend the passage of a law requiring the Executive, in future, to communicate to the Legislature, at the opening of each session, a full list of Pardons granted, together with a statement of the reasons on which his decision of each case was predicated. This will draw attention to, and result in the formation of a sounder public opinion, upon this important subject.

Under the provision of the seventh Section of the First Article of the Constitution of this State, on the 6th of June last, I respited the sentence against Jacob Mercer convicted of the murder of Green B. Lee, in the county of Stewart, and adjudged to be hung on the 15th day of June, 1855. On the 25th day of August last, I also respited the sentence against John T. Boyd, convicted of the murder, in the second degree, of Alexander M. Robinson, in the county of

Muscogee, and adjudged to be hung on the 7th day of September 1855. The sentence, in both cases, is respited until the 23d day of the present month. It will therefore behoove the Legislature to give their early attention to these cases. It is not designed, that the action of the Executive, shall be construed into the expression of an opinion, as to what ought to be the final decision of the Legislature. The cases should be decided strictly upon their merits. But human life being suspended upon my action, I felt bound to give the unfortunate convicts the benefit of every extenuating circumstance, and cast upon the pardoning power the responsibility of determining their fate.

Former Legislatures, in a few instances, have exercised the pardoning power, by passing laws for that purpose, in cases not capital. The constitutionality of such action is so questionable, that it ought never again to be attempted. The 7th section of the 1st Article of the State Constitution, confers upon the Governor the power "to grant pardons, or to remit any part of a sentence, in all cases after conviction, except for Treason or Murder, in which case he may respite the execution and make report thereof to the next General Assembly, by whom a pardon may be granted." Hence the power to pardon, in cases, not capital, is entirely distinct from the power to pardon, in capital offences. The one is vested in the Governor, the other in the General Assembly. Therefore, the First Section of the First Article of the Constitution would seem to settle the question. It declares that, "The Legislative, Executive, and Judiciary departments of Government shall be distinct, and each department shall be confined to a separate body of magistracy; and no person or collection of persons, being one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted." It is needless to say, the power under consideration is not one of these "instances." The Executive will always respect the wishes of the Legislature, and therefore, it were better for them, to recommend him to pardon, where, in cases not capital, they think clemency is due, than to attempt the exercise of a power so questionable as the enactment of a law for that purpose.

BOUNDARY LINE BETWEEN FLORIDA AND GEORGIA.

In conformity with an interlocutory decree of the Supreme Court of the United States, the last General Assembly, by Resolution, required the Executive to appoint a Commissioner and Surveyor, on the part of Georgia, to run and mark the boundary line between the States of Florida and Georgia, whenever the former should signify its acceptance of the terms of the Decree, and its readiness to proceed therewith. This resolution was duly exe-

cuted by the appointment of Alexander A. Allen, Esq., as Commissioner, and James R. Butts, Esq., as Surveyor on the part of this State. These gentlemen, in conjunction with the Commissioner and Surveyor on the part of Florida, devoted four months to the prosecution of the work; and by the amount of labour performed, the information collected, and the science exhibited, they fully evinced their industry, fidelity and capacity. But the survey was not completed. It was abruptly terminated on account of a misunderstanding between the two Commissioners, as to the terms agreed upon by them, on which the work should be performed. This, with other causes, prevented a hearing of the case, pending between the two States, at the last session of the Supreme Court; and upon motion of the Attorney General of the United States, the United States was permitted by the Court to intervene and to become a party thereto. This is the present status of this unpleasant controversy.

By letter, dated 24th of September of the present year, Governor Broome proposed, that by consent of the Executives of the respective States, the cause should be continued, in order to "obtain from the Legislature of each State authority for the settlement of the question and its removal from the Court." After consultation with John McPherson Berrien, Esq., the leading counsel, in behalf of Georgia, this proposition was accepted, and the cause will be continued for the purpose indicated. Florida is the complaining party and instituted the suit. Hence, it was deemed best to yield to her wishes, thus expressed, not only as a matter of courtesy, but to evince a cheerful readiness to reciprocate every indication of amity emanating from her. The existence of litigation between adjoining sister States of the confederacy, identified in interest, is a matter, deeply to be deplored. It is better to terminate it by settlement, if possible—more consonant with the dignity and decorum that should characterize their intercourse. The tone and tenor of Gov. Broome's letter are such, as to justify the hope, that the effort may lead to the most gratifying result. He says: "It is believed, that, with the information acquired by the commission of last year, a settlement may be effected, provided a proper spirit of conciliation exists, and of this he entertains no doubt." It will doubtless be your pleasure to meet the State of Florida, on the terms and in the spirit proposed. I therefore respectfully suggest, that the General Assembly adopt such measures as will enable the negotiation to be entered upon, for the settlement of this long standing controversy. The manner of conducting it, whether by the Executive or by a special commissioner clothed with the requisite power, will be prescribed by the Legislature. The matter is respectfully submitted and your action invoked.

BRUNSWICK.

The Resolution of the last Legislature, approved February 15th, 1854, recommending to the Congress of the United States, the establishment of a Naval Depot, at the city of Brunswick, was forwarded to our Senators and Representatives. They brought the subject before Congress and elicited a report from the Secretary of the Navy, highly favourable to the ultimate success of the enterprise. When it is considered that Brunswick offers the best harbor for shipping south of the Chesapeake, that it is a point at which all the material for ship building and repairing can be obtained, on the most favourable terms, that there is no Navy Yard between Norfolk and Pensacola, a length of coast of nearly two thousand miles, that it is capable of being made a strong point for military defence to the Southern Atlantic coast, and that it is the natural outlet to that ocean, for the extensive travel and trade of the vast country stretching along the Gulf of Mexico, the object, contemplated by the resolution, is one of deep concern to the State of Georgia. It should be urged by all proper means and influences.

FEDERAL RELATIONS.

I herewith transmit Resolutions and Acts of the Legislatures of various States which have been forwarded to this Department. They generally concern, either directly or indirectly, our Federal Relations; and some of them are of a character which renders it doubtful, whether a proper self-respect should not have dictated their silent return to the source whence they emanated. But it is deemed best to err on the side of courtesy, and viewed in connection with the present political condition of our country, they suggest matter of the gravest import for your consideration.

In 1850, the people of Georgia, responding to a Proclamation of their Chief Magistrate, met in Convention, for the purpose "of determining the course which the State would pursue, in reference to a series of Acts passed by the Congress of the United States, known as the "Compromise measures." All those measures, "directly or indirectly affected the institution of slavery," but were designed to form a connected "scheme of pacific adjustment." While Georgia found in it "matter for objection and matter for approval," still, in a spirit of devotion to the Union, she calmly considered in Sovereign Convention, whether, "*consistent with her honor*," she could "abide by the general scheme of pacification," and whether her *interest* lay "in adherence to it, or in resistance." The result was, that whilst she did not "wholly approve," yet she would "abide by it," as a permanent adjustment of this sectional controversy. But she did so upon terms. She put the world upon notice, that she "will and ought to resist, even (*as a last resort*), to a disruption of

every tie that binds her to the Union, any future action of Congress, upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquility, the rights and honor of the slaveholding States; or any act suppressing the slave trade between the slaveholding States, or any refusal to admit, as a State, any territory hereafter applying, because of the existence of Slavery therein, or any act prohibiting the introduction of slaves into the territories of Utah and New Mexico, or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves." It was hoped that these measures would prove, what they were promised to be, a final adjustment of the slavery agitation, and that the country would thenceforth enjoy repose. It was hoped, that, after making so large a sacrifice, involving a surrender of all participation, on the part of the slaveholding States, in the vast territory of California, the spirit of free soil aggression would be appeased. It was hoped, that the exhibition of such disinterested devotion to the Union would provoke a cordial reciprocation, on the part of the nonslaveholding States, and restore those fraternal relations, between the two great sections of the Confederacy, which prompted the magnanimous compromises of the Constitution. But this hope has not been realized. The agitation continues. The storm cloud still obscures the glories of our political firmament and threatens to discharge its thunder on our heads.

The laws now in force for the recovery of fugitive slaves, have not been repealed or materially modified. But it is constantly threatened. The Convention of 1850, expressed the deliberate opinion, that "upon the faithful execution of the *Fugitive Slave Law*, by the proper authorities, depends the preservation of our much loved Union." How contemptuously has the declaration been treated in some of the non-slaveholding States! In Massachusetts, Vermont and other States, acts have been passed, virtually nullifying the law. In some instances it has not been executed, and with great difficulty in every instance, where it has been. A slave escaped from Maryland into Pennsylvania. His owner went to recapture him—was butchered, and the Courts failed to execute the law or punish the crime. A slave escaped from Virginia to the city of Boston. To effect his recovery, the President had to order the army and navy to protect the Marshall, at an expense of more than \$100,000. Such are specimens of the manner in which the Fugitive Slave Law is enforced, although the Georgia Convention declared, that the Union depends upon its faithful execution. A case for resistance however, is not made, until it shall be repealed or materially modified by Congress. Therefore, if no redress can be had, consistently with the

constitution, in the adoption of retaliatory measures, let us, "in patience possess our souls," trusting, that the patriotism of the North may yet be rallied to the rescue.

The compromise measures of 1850, established the principle, that the people of the territories should determine the question of slavery for themselves and that hereafter, such territories should be admitted, as States, into the Union, with or without slavery, as they should decide. The last Congress passed an Act to organise territorial governments for Kansas and Nebraska, in which this principle was practically applied; and by the repeal of the Missouri prohibition which it contains, it opens these territories to the slaveholder, with his property. The late elections in Kansas show, that a large majority of the people are in favour of adopting slavery as a part of their domestic system; and the indications are, that she will probably apply, during the ensuing Congress, for admission to the Union as a slaveholding State. This brings up the paramount question of the day. Looking to the elements of the next Congress, it seems, that the anti-slavery free soil sentiment is in the ascendancy and that her application will be rejected. This therefore is the condition of affairs—on the one hand, we see the threat, and the power to execute it, to refuse the admission of this territory, as a State into the Union, "because of the existence of slavery therein;" on the other, Georgia stands pledged to resist such an act, "even (*as a last resort,*) to a disruption" of the Union. How then, can we secure the admission of Kansas as a slaveholding State, without resorting to this fearful ultimatum? It can only be done by an unflinching adherence to the position which the State has taken. She is the centre of the column of her Southern confederates; they will rally around and sustain her. If she falters all is lost. The determination to resist is settled; the manner is not. The Convention failed to specify, in this particular. It being the province of the sovereignty, the Legislature cannot supply the omission. I therefore recommend you to provide by law, for the calling of a State Convention, in the event of the rejection of Kansas, "because of the existence of slavery therein," to deliberate upon and determine the time and mode of the resistance contemplated by the 4th resolution of the Convention of 1850.

The benefits of such action by the Legislature are apparent. Should the contingency arise after your adjournment, it would make the call of an extra session absolutely necessary. By providing for it now, you save a heavy expense to the Treasury.

Another advantage will be the conviction upon the minds of the people of the non-slaveholding States, that Georgia is in earnest. This is important, for they do not believe it. Their freesoil presses and speakers ridicule the idea, that

we are the least serious, in our avowed determination to resist. We feel and know that we are; and as a matter of mere good faith, we should undeceive them, ere their delusion betray them to extremes from which there is no retreat.

Such action moreover, will furnish the sound Constitutional men of the North, with the most potent argument by which to appeal to the patriotism of their fellow-citizens. It will arrest the attention of all thinking minds, and rouse, to the highest degree, that devotion to the Union which animates the bosoms of the masses in every section. It will "strengthen the knees and hold up the hands" of that intrepid band of Northern patriots who, both in and out of Congress, are willing to stand by the South in this perilous struggle. If we fail to maintain our position, they fall; we strike from them the prop that supports them; they will be overwhelmed for folly, if they attempt to vindicate our rights, after we have failed to battle for them.

Nor should such action by the Legislature, be regarded in the light of a threat to the non-slaveholding States. That would be as derogatory to the dignity of Georgia, as it would be wounding to their pride. But in the words of the Convention of 1850, "we should address to them the language of calm and frank remonstrance, rather than of defiance or menace. We would recall them to the faithful discharge of duty as confederates, by an appeal to their reason and their moral sense." If, after all, the appeal, in the form suggested, should prove unavailing, we should have the proud satisfaction, of having placed our State triumphantly in the right, and of casting upon them the fearful responsibility of driving her to her fearful ultimatum.

Let me not be understood as counselling rash and precipitate action. The call of such a Convention, should it become necessary, might not, as a matter of course, lead to disunion. It might be within the scope of human wisdom to devise other means of redress. It would certainly be their duty, as it would be their desire, if possible, to do so. "Disruption" should indeed be *the* "last resort."

Still however, if they should, after mature deliberation, become satisfied, that dissolution would be the only remedy, it could not, in the very nature of the case, be carried into instant effect. It would require several months, and during that time, the reaction in the non-slaveholding States might be so decided and salutary, as to evince a sense of returning justice and of renewed fealty to the Constitution. Indeed, we already see the indication of a favorable reaction, which encourages the hope, that the patriotism of the North will save us from the necessity of resorting to the ultimatum of the "Georgia Platform." It is evinced by the recent elections, and has been brought about by the noble and self-sacrificing efforts of the sound men of the non-slaveholding

States. At all events, the Convention would not act hastily. Whilst they would proceed with the firmness of unalterable purpose, they would also act with well considered prudence and caution. They would not adopt an ordinance for immediate and unconditional disruption; but provide for it to take effect at a day future, sufficiently remote to admit of this reaction. In the mean time the popular elections will have transpired in the non-slaveholding States; another Congress may have assembled, who, upon reconsideration, and seeing the position of Georgia, and the peril of the Union, may admit Kansas as a slaveholding State. Let the Ordinance of resistance therefore, be framed so as to allow time for reaction, if need be and to be null and void upon the admission of Kansas by a specified day future, but to take effect, *ipso facto* upon its final rejection. This would present the most powerful appeal to the non-slaveholding States, in favor of the rights of the South and the Union. Above all, it would make them responsible for consequences, and vindicate the position of Georgia in the estimation of mankind. I conscientiously believe this to be the best way to preserve the Union. It is as a lover of the Union, that I recommend it. Georgia has solemnly declared, that "the American Union is secondary in importance only to the rights and principles, it was designed to perpetuate;" and in accordance with this, she has solemnly announced, that she will "resist, (*even as a last resort,*) to a disruption of every tie that binds her to the Union," the acts of Congressional encroachment enumerated in the 4th Resolution of the Convention of 1850. These two announcements taken together, if they mean anything, express her determination to maintain her rights in the Union, if she can; but out of the Union, if she must. The people of Georgia endorse the vow; let their Representatives prove themselves equal to the emergency.

This communication is necessarily suggestive, not argumentative; otherwise, its length, instead of being tiresome, as it is, would be intolerable. I have barely glanced at the most important subjects which claim your consideration.—It remains for you, in your wisdom, inspired by enlarged and devoted patriotism, to dispose of them as may "appear most conducive to the interest and prosperity of the State."

HERSCHEL V. JOHNSON.

Mr. Ashe of Franklin moved, that 500 copies of the Governor's Message be printed for the use of the Senate.

Mr. Carlton of Campbell moved to divide the motion: which was agreed to.

The question was then taken on the printing of the message; which was agreed to.

The question was then taken on printing five hundred copies of the Governor's message ; which was lost.

Mr. Carlton of Campbell moved that two hundred and fifty copies of the message be printed, which was adopted.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President: I am directed by the House of Representatives to inform the Senate that they will be pleased to receive them in their chamber at 3 1-2 o'clock this evening for the purpose of counting out and adding up the votes for Governor at the last election.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary :

Mr. President: I am directed by the Governor, to deliver to the Senate, a communication in writing, with a number of sealed packages, supposed to contain the returns of the late election for Governor :

*EXECUTIVE DEPARTMENT, }
Milledgeville, Geo. November 6th, 1855. }

I transmit to the Senate a number of packages, which I supposed to be the returns of the election for Governor on the first Monday in October last.

Several of the packages you will find have been necessarily opened in this Department. The reasons therefor are endorsed upon them respectively. From the counties of Lumpkin, Gordon and Union, no separate return for the Governor's election has been received. The vote was found to be consolidated in the return of elections of members of Congress and the General Assembly. I have caused the same to be sealed in separate packages and they are herewith transmitted.

HERSCHEL V. JOHNSON.

Mr. Miller of Richmond offered the following resolution :

That the documents accompanying the message of the Governor be referred to a committee of five whose duty it shall be to examine the same and report which of them should be printed ; which was taken up, read and agreed to.

Mr. Gibson of Pike offered the following resolution :

That a committee be appointed to transmit to the House of Representatives certain packages forwarded to the Senate by His Excellency the Governor, supposed to be returns of an election held on the first Monday in October last for Governor ; which was taken up, read and agreed to.

The Committee appointed by the Chair under this resolution, were Messrs. Gibson, Lawton, Billups, Simms and Murphy.

On motion of Mr. Knight, the 20th rule of the Senate was read.

Mr. Peeples moved that the Senate adjourn till half-past 3 o'clock, P M., which was agreed to.

HALF PAST THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Moore moved to take up the message of His Excellency the Governor, in relation to the returns of the election on the first Monday in October last; which was agreed to.

The Chair appointed the committee under the resolution in relation to the documents accompanying the Governor's message; who were as follows—Messrs. Miller, Moore of Lincoln, McMillan, Wingfield and Dabney.

The following message was received from his Excellency the Governor, by Mr. deGraffenried, his Secretary:

Mr. President: I am directed by the Governor to lay before the Senate several communications in writing.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, November 6th, 1855. }

I return to the Senate in which it originated, "An act to define an act relating to commissioners of pilotage for Savannah river, passed in 1847." It was presented to me for approval about the time of the adjournment of the last General Assembly, so that I was not able to act upon it. It is known, that for years the State of Georgia, through her delegation in Congress, has been urging an appropriation for cleaning out certain obstructions in the river below the city of Savannah, in order to improve its navigation. The last Congress appropriated \$161,000. When this bill passed the Legislature, the process of cleaning was going on under the direction of Capt. Gilmer, of the United States Corps of Engineers. I had a letter from him stating that the passage of this bill would materially interfere with the work. I thought it bad faith in the State of Georgia to ask an appropriation from Congress for this object and then defeat its success by her own Legislative action. Being advised that such would be the effect of this bill, I felt it my duty to withhold my approval.

HERSCHEL V. JOHNSON.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, November 6th, 1855. }

The last General Assembly passed "an act to authorize the Mayor and Council of the city of Atlanta, to enclose a portion of the State Square in said city to be used as an open park." It was presented to me too late for my action upon it. I therefore, return it to the Senate in which it originated, with my objection to it.

The act cannot be carried into effect without manifest inconvenience to the Western & Atlantic Railroad. A portion of the land is already occupied with houses belonging to the State, and others will be required to be erected for the uses

of the Road. Upon the whole it is inexpedient to encumber the square by the grant of any such privileges as is contemplated by the act.

HERSCHEL V. JOHNSON.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., Nov. 6th, 1855. }

I return to the Senate in which it originated a bill "to prescribe the mode and manner of ascertaining damages to enclosed and unenclosed lands by reason of the laying out of public roads or private ways through the same, and for other purposes, so far as the county of Decatur is concerned."

It was presented to me just at the close of the last session of the Legislature, not allowing me time to act upon it. I therefore communicate herewith, my reason for withholding Executive approval. The act assigns certain duties of the Justices of the Superior Court of Decatur county. There being no such officers known to the laws of this State in any county thereof, the act would be void for uncertainty, unless the Court should supply the defect by interpretation. Believing it dangerous to open the door for such action by the Judiciary, I declined to sanction the bill

HERSCHEL V. JOHNSON.

●Mr. Peeples of Clark moved that the message be taken up and read, which was agreed to.

The message being read, Mr. Peeples moved that it lie upon the table for the present.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President: I am directed by the House of Representatives to inform the Senate that the House of Representatives are now ready to receive them in their chamber for the purpose of counting out, adding up and consolidating the votes polled at the last Gubernatorial election.

On motion, the Senate repaired to the Representative hall.

The General Assembly then proceeded to count out and add the returns of the several counties of this State, upon which it appeared that the Honorable Herschel V. Johnson was duly elected Governor of Georgia, for the next ensuing two years, and was so declared by the presiding officer.

The President and members of the Senate, then on motion returned to their chamber.

On motion of Mr. Cone of Bulloch, the Senate adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 7th, 1855.

The Senate met pursuant to adjournment.

Mr. Gibson moved to reconsider so much of the Journal of yesterday as relates to the election of an Attorney General for the Middle Circuit and a Solicitor General of the different Circuits.

The motion to reconsider was lost.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have agreed to a resolution appointing a committee of five, consisting of Messrs. Terhune of Floyd, Lewis of Hancock, Johnson of Cass, Henderson of Newton, and Jones of Lowndes, to join such committee as may be appointed on the part of the Senate to wait upon the Hon. Herschel V. Johnson and inform him of his election as Governor of this State and request his acceptance of the same.

On motion of Mr. Cone of Bulloch, the message was taken up, and a committee appointed of the same number as that of the House, to unite with them, in waiting upon the Honorable Herschel V. Johnson to inform him of his election as Governor, and request his acceptance of the same, which was agreed to.

The following was the committee appointed under the resolution, Messrs. Wingfield, Miller, Hardeman and Camden.

Mr. Cone of Greene, offered the following resolution, which was taken up:

That a committee to consist of five be appointed to join such committee as may be appointed on the part of the House to enquire what number of Clerks are necessary to discharge the duties connected with the office of Secretary of the Senate, and what number to discharge the duties connected with the office of the Clerk of the House of Representatives.

Also what will be a reasonable compensation for the Secretary of the Senate, his Assistant and for each of the Clerks attached to his office for their services. And what will be a reasonable compensation for the Clerk of the House of Representatives, and for each of the Clerks attached to his office, for their services, and that said committee report by Bill or otherwise.

Mr. Lawson of Burke moved that the resolution lie on the table for the present, which was lost.

The resolution was then read and agreed to.

The committee appointed under the foregoing resolution

were Messrs. Cone of Greene, Lawton, Hardeeman, Dabney and Buchanan.

Mr. Cone of Greene introduced a bill to be entitled an act to alter and amend the 3rd, 4th, 7th, and 12th Sections of the first Article of the Constitution of this State, which was read the first time.

On motion of Mr. Miller one hundred and twenty-five copies of the same were ordered to be printed.

Mr. Guerry introduced a bill to be entitled an act to pardon Jacob Mercer of the county of Stewart, now under sentence of death for the crime of Murder, which was read the first time.

On motion of Mr. Guerry, one hundred and twenty copies of the evidence taken down at the trial of the case were ordered to be printed.

Mr. Nichols offered the following resolution, which was read, and laid on the table for the present.

Resolved, That a committee of five be appointed on the part of the Senate to join such committee as may be appointed on the part of the House of Representatives, to examine into and report upon the present condition of the Western & Atlantic Rail Road and what disposition, (if any,) is proper to be made of said Road.

Mr. Wingfield from the committee appointed on the part of the Senate, to join the committee of the House to wait on the Governor elect and notify him of his election and ascertain whether he accepts the office, and at what time it will suit his convenience to take the oath prescribed by the Constitution of the State, reported

That they had discharged that duty, and received for answer, that he accepts the office, and would be ready to attend in the Representative Chamber, this day at 12 o'clock, to take the oath of office prescribed by the Constitution of the State and of the United States.

Mr. McMillan offered the following resolution, which was read and laid on the table for the present.

Resolved, That so much of the biennial Message of the Governor as relates to the Western & Atlantic Rail Road, and all matters connected therewith, be referred to a committee of _____ to consider and report thereon to this body.

Mr. McMillan offered the following resolution, which was read and agreed to:

Resolved, That a committee of five be appointed to join the committee on the part of the House to make suitable arrangements for the Inauguration of the Governor, and invite distinguished individuals to attend the same.

The following was the committee under the foregoing resolution: Messrs. McMillan, Moore of Lincoln, Strickland, Wales and Smith.

On motion of Mr. Pope, the Senate took a recess till fifteen minutes before twelve o'clock.

The Senate re-assembled at fifteen minutes before twelve.

Mr. Peeples introduced a bill to be entitled an act to increase the salaries of the Judges of the Supreme Court of this State, which was read the first time.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President :—I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Chamber, for the purpose of inaugurating the Governor elect.

On motion of Mr. Gibson of Pike, the President and members of the Senate repaired to the Representative Chamber, and being seated, the Governor elect, the Honorable Herschel V Johnson, was introduced by the Joint Committee and attended by the State House Officers, and other distinguished citizens, when he addressed the General Assembly, and took the oath prescribed by the Constitution of the State, and of the United States.

The Governor attended by the committee having with drawn, the President and members of the Senate retired to their Chamber

And on motion of Mr. Lawton adjourned until 10 o'clock to-morrow morning.

THURSDAY, NOVEMBER 8th, 1855.

The Senate met pursuant to adjournment.

Alexander H. Riley, the Senator elect from the county of Taylor; William A. Harris, the Senator elect from the county of Worth, to fill the vacancy occasioned by the death of the Hon. A. J. Shine; and Charles Spalding, Senator elect from the county of McIntosh, having appeared and produced their credentials, were sworn agreeably to the Constitution, and took their seats.

Mr. Miller reported a bill to be entitled an act to alter and amend the first section of the third article of the Constitution, which was read the first time.

Mr. McDonald reported a bill to add a part of the county of Ware to the county of Charlton, which was read the first time.

Mr. Nichols introduced a bill to be entitled an act to create a new Judicial circuit of Clinch, Ware, &c., and provide for the appointment and election of Judge and Solicitor for the same, which was read the first time.

Mr. Lawton reported a bill to be entitled an act to create Pataula circuit, which was read the first time.

Mr. Peebles reported a bill to be entitled an act to incorporate a Bank in the town of Athens.

Mr. Dabney reported a bill to be entitled an act to repeal the proviso of an act entitled an "act to define the liability of endorsers of promissory notes and other instruments, and to place them upon the same footing with securities approved, Dec. 26th, 1826 ; which provides that nothing herein contained shall extend to any promissory notes which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered Bank or which may be deposited in any chartered bank for collection and for other purposes ; which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act to fix the dignity and prescribe the order in which debts due by deceased persons shall be paid, which was read the first time.

Mr. Lawton reported a bill entitled an act to authorize the county of Dougherty to aid in constructing the Georgia and Florida Railroad between Albany and Americus or any railroad running to said county, by subscription for stock and the issue of bonds therefor upon a vote of citizens ; which was read the first time.

Mr. Long reported a bill to be entitled an act to amend an act to "incorporate the Brunswick Improvement Company," which was read the first time.

On motion of Mr. Lawton, one hundred and fifty copies of the bill in relation to Rail-road aid, were ordered to be printed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President: I am directed by the House of Representatives to inform the Senate that they have concurred in the resolution of the Senate bringing on (this day) certain elections therein mentioned.

Mr. Screven reported a bill to be entitled an act to entitle the pilots of the bar of Tybee and river Savannah, to receive the same rates or fees for pilotage as are now allowed by law at the port of Darien in the county of McIntosh, which was read the first time.

Mr. Hardeman introduced a bill to be entitled an act to incorporate the Union Coal and Iron Company of Georgia, which was read the first time.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary :

Mr. President: The Governor has signed a resolution to bring on the election for Attorney General and various other officers mentioned in a resolution of the Senate this day presented.

Mr. Calhoun moved to suspend the 26th rule of the Senate for the purpose of introducing a bill to repeal an act changing the line between Campbell and Fayette counties, so far as relates to the residence of Nathan Camp; pending the discussion of which,

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President : I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Chamber for the purpose of proceeding with the elections set apart for this day.

On motion the Senate repaired to the Representative Chamber, and after being seated, they proceeded to the election of an Attorney General for the Middle Circuit, when on receiving and counting out the ballots, it appeared that William R. McLaws of Richmond county, was duly elected.

The Senate then, on motion, repaired to their Chamber, and on motion of Mr. Cone of Bulloch, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Wingfield, a committee was appointed to wait upon his Excellency the Governor, and the Board of Trustees of the University of Georgia, to inform them that the Senate is ready to receive them into their Chamber.

The committee appointed by the Chair, under the motion, were Messrs. Wingfield, Moore of Lincoln, Murphy, Bilups and Landrum,

The committee having discharged the duty assigned them, reported that the Board were ready to attend.

His Excellency the Governor, the President and Board of Trustees, then appeared and took their seats.

The *Senatus Academicus* having spent some time in the transaction of its ordinary business, on motion of Mr. Wales, adjourned *sine die*.

On motion the Senate then adjourned till to-morrow morning at ten o'clock.

FRIDAY, NOVEMBER 9th, 1855.

The Senate met pursuant to adjournment.

Mr. Cone of Bulloch offered the following resolutions, which were taken up, read and agreed to :

Resolved by the Senate and House of Representatives, That the Treasurer of this State be requested to inform this branch of the General Assembly at his earliest convenience, what amount of money was paid into the State Treasury by John S. Denmark, Tax Collector for the county of Bulloch for the year 1855.

Resolved by the Senate and House of Representatives, That the Comptroller General be requested to furnish this branch of the General Assembly with the true amount of Tax paid into the State Treasury by John S. Denmark, Tax Collector for the county of Bulloch, for the year 1855, and what amount was over paid, and what error caused the over payment.

Mr. Dunnagan reported a bill to be entitled an act to authorize the Gainesville and Chattahoochee Ridge Railroad Companies to consolidate their charters and make them uniform, and to increase and fix the amount of their capital, which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

*Mr. President :—*The House of Representatives have passed a joint resolution in reference to a mail route from Mount Pleasant, Glynn county via Speightville and Elias Fort to Pendarvis' Store in Wayne county.

Also a joint resolution making inquiry of his Excellency the Governor as to the necessity of continuing the office of Surveyor General of this State. To both of which they ask the concurrence of the Senate.

I am, also, directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Chamber, for the purpose of completing the elections, provided for by joint resolution of both branches, and left unfinished on yesterday.

On motion, the Senate repaired to the Representative Chamber, and after being seated, they proceeded to the election of a Solicitor General for the Chattahoochee Circuit. when on receiving and counting out the ballots, it appeared that Thaddeus Oliver of Marion county was duly elected.

They then proceeded to the election of a Solicitor General for the Cherokee Circuit, when on receiving and counting out the ballots, it appeared that J. C. Longstreet of Gordon county, was duly elected.

They then proceeded to the election of a Solicitor General for the Eastern Circuit when on receiving and counting out the ballots, it appeared that Julian Hartridge of Chatham county, was duly elected.

They then proceeded to the election of a Solicitor General for the Flint Circuit, when on receiving and counting out the ballots, it appeared that James R. Lyons of the county of Butts, was duly elected.

On motion the Senate then repaired to their Chamber.
On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President :—I am directed by the House of Representatives to inform the Senate, that they are now ready to receive them in their Chamber to proceed with the unfinished business of the morning.

On motion the Senate repaired to the Representative Hall, and after being seated the General Assembly proceeded to the election of a Solicitor General for the Blue Ridge Circuit, when on receiving and counting out the ballots, it appeared that William Phillips of the county of Cobb, was duly elected.

They then proceed to the election of a Solicitor General for the Macon Circuit, when on receiving and counting out the ballots, it appeared that T. W. Montfort of Macon county, was duly elected.

They then proceeded to the election of a Solicitor General for the Northern Circuit, when on receiving and counting out the ballots, it appeared that Thomas M. Daniel of Madison county, was duly elected.

The Senate then, on motion, repaired to their Chamber.

On motion the Senate then adjourned until 10 o'clock tomorrow morning.

SATURDAY, NOVEMBER 10th, 1855.

The Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President :—I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Chamber for the purpose of proceeding with the unfinished business of yesterday.

Mr. Miller reported a bill to be entitled "an act to pardon John T. Boyd of the county of Muscogee, now under sentence of death for the crime of murder, which was read the first time.

On motion of Mr. Miller one hundred and twenty-five

copies of the evidence in the trial of Boyd, were ordered to be printed.

On motion the Senate then repaired to the House of Representatives to proceed with the unfinished business of the General Assembly.

The General Assembly proceeded to the election of a Solicitor General for the Ocmulgee Circuit, when on receiving and counting out the ballots, it appeared that William A. Loflon of the county of Jasper, was duly elected.

They then proceeded to the election of a Solicitor General for the Southern Circuit, when on receiving and counting out the ballots, it appeared that E. T. Sheftall of Laurens county, was duly elected.

They then proceeded to the election of a Solicitor General for the South-Western Circuit, when on receiving and counting out the ballots, it appeared that John W. Evans of Decatur, was duly elected.

They then proceeded to the election of a Solicitor General for the Western Circuit, when on receiving and counting out the ballots, it appeared that Samuel P. Thurmond of Jackson, was duly elected.

The Senate then, on motion, repaired to their Chamber.

On motion, the Senate adjourned until 10 o'clock on Monday morning.

MONDAY. NOVEMBER 12th, 1855.

The Senate met pursuant to adjournment.

Barnett Newton, the Senator elect from the county of Effingham, having produced his credentials, was sworn agreeably to the Constitution, and took his seat.

Mr. Cone of Greene reported a bill to be entitled an act limiting the time in which suits in the courts of law in this State must be brought, and also the time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned; which was read the first time.

On motion of Mr. Murphy one hundred and twenty copies of the same were ordered to be printed.

The Senate took up the motion of Mr. Calhoun to suspend the 26th rule of the Senate, which had been left unfinished, pending the call of the yeas and nays.

Upon the question, "shall the rule be suspended?" the yeas and nays were required to be recorded, and are : yeas 90; nays 5.

Those who voted in the affirmative, are Messrs.

Adams, Ashe, Atkinson, Baxter, Beall, Beasley, Billups,

Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Fambro, Gibson, Gordon, Grant, Guerri, Hamilton, Hardeman, Harris of Worth, Hill, Hines, Howell, Jamison, Jeter, King, Knight, Landrum, Lawson of Burke, Lawson of Houston, Lawton, Long, Maddux, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Murray, Nichols, Newton, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Riley, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Spalding, Strickland, Studstill, Sumner, Swinney, Turner, Wales, Ware, Welborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Allred, Bloodworth, Brice, Brown of Calhoun and Harris of Taliaferro.

There being a majority of two-thirds, the rule was suspended.

Mr. Whitaker then reported under the suspension of the 26th rule of the Senate, a bill to be entitled an act to repeal an act entitled an act to change the line between the counties of Campbell and Fayette, so as to include the residence of Nathan Camp, now in the county of Fayette, in the county of Campbell, approved February 20th, 1854; which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President: I am directed by the House of Representatives, to inform the Senate that they are now ready to receive them in their Chamber for the purpose of proceeding with the election of certain officers, provided for by joint resolution, and left unfinished on Saturday last.

Mr. McMillan reported a bill to be entitled an act for the relief and divorce of Elizabeth Martin, and for other purposes; which was read the first time.

Mr. Bloodworth reported a bill to be entitled an act to add the county of Carroll to the fourth Congressional District; which was read the first time.

Mr. Bloodworth reported a bill to be entitled an act to repeal so much of an act entitled an act to add a part of Carroll county to the county of Heard, and establish an additional election precinct in Heard county, assented to December 20th, 1834, as relates to adding a part of Carroll county to the county of Heard, which was read the first time.

On motion of Mr. Knight, the Senate then repaired to the Representative Chamber, to proceed with the unfinished business of the General Assembly.

After being seated, the General Assembly then proceeded to the election of a Comptroller General of the State of

Georgia, when on receiving and counting out the ballots, it appeared that Peterson Thweatt of Muscogee, was duly elected.

They then proceeded to the election of a Surveyor General, when on receiving and counting out the ballots, it appeared that James A. Green of Floyd was duly elected.

They then proceeded to the election of a Treasurer, when on receiving and counting out the ballots, it appeared that John B. Trippe of Putnam was duly elected.

They then proceeded to the election of a Secretary of State, when on receiving and counting out the ballots, it appeared that Elihu P. Watkins of Henry was duly elected.

The Senate then, on motion, retired to their Chamber.

Mr. Knight reported a bill to be entitled an act to give State aid to the Brunswick and Florida Railroad company, which was read the first time.

On motion of Mr. Atkinson, one hundred and twenty copies of the same were ordered to be printed.

Mr. Long reported a bill to be entitled an act to incorporate the city of Brunswick, and for other purposes; which was read the first time.

Mr. Long reported a bill to be entitled an act to repeal an act entitled an act to compel persons living in the county of Wayne, to give in and pay their taxes in said county for all property they may own in the State, and for other purposes, which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to change the time of holding the Inferior Court of the county of Campbell, which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to authorize D. F. N. Hardman of the county of Fulton to practice medicine on the improved Botanic and German system of practice, and to recover his dues for professional services and medicines; which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to incorporate Atlanta Female College, located in Atlanta, and to confer powers on the same; which was read the first time.

Messrs. Lawson of Burke, Smith and Hale were allowed leave of absence for a few days.

Mr. Peeples reported a bill to be entitled an act to carry into effect the third item of the last will and testament of George M. Waters, deceased, which was read the first time. The memorial accompanying the same was also read.

On motion of Mr. Guerry, the regular order was suspended, and the bill for the relief of Jacob Mercer of Stewart county, now under the sentence of death for the crime of murder, was read the second time, and the same made the special order of the day for Tuesday the 13th inst.

On motion of Mr. Cone of Greene, the order was further suspended, and the following bill was read the second time:

A bill to be entitled an act to pardon John T. Boyd of the county of Muscogee, now under sentence of death for the crime of murder.

On motion of Mr. Cone of Greene, the same was made the special order for Thursday next.

Mr. McIntosh offered the following resolution, to-wit :

Resolved, That both branches of the General Assembly do convene in the Representative Chamber on Wednesday the 14th inst., at 11 o'clock, A. M., to proceed to the election of a Judge of the Supreme Court of this State.

Mr. Carlton reported a bill to be entitled an act to lay out and organise a new county from the counties of Henry and Fayette, and for other purposes therein specified; which was read the first time.

Mr. Paulk reported the following bills : A bill to be entitled an act to add lots of land numbers 117 and 118 in the 6th district of Irwin, to Worth county.

A bill to be entitled an act to authorise constables in and for the counties of Telfair, Irwin and Coffee, and who have taken oath and given bond in terms of the law, to serve any process whatever on the Sheriff of their respective counties, and return the same to the court from whence it issued; which were read the first time.

Mr. Wales reported the following bills :

A bill to be entitled an act to repeal an act entitled an act to alter and amend the fifth section of an act to regulate the weighing of cotton and other commodities in this State; approved February 7th, 1854.

Also, a bill to be entitled an act to incorporate the Hydrant Water Company of Columbus; which were read the first time.

Mr. Harris of Worth reported a bill to be entitled an act to repeal an act to prevent the killing of deer at certain periods of the year in the counties of Burke and Worth, so far as relates to the county of Worth; which was read the first time.

Mr. Murphy reported a bill to be entitled an act to repeal the second section of an act entitled an act to regulate the granting of New Trials, approved the 20th February, 1854; which was read the first time.

Mr. Dabney offered the following resolutions, to-wit :

Resolved, That the General Assembly do convene in the Representative Hall on Wednesday next, the 14th inst., at 11 o'clock, A. M., and proceed to the election of a Director of the Bank of the State of Georgia.

Resolved, That the following shall be added to and made a part of the standing rules of the Senate.

It shall be the duty of the Secretary to call the roll of members in alphabetical order, on each and every morning, immediately after the reading and adoption of the journals of

the preceding day and the completion of the unfinished business of the last adjournment (unless otherwise directed by a majority of the members present,) and it shall be the right and privilege of any member when his name is called, to offer any bill or bills which he may wish to present to the Senate, but at no other time on that day.

Mr. Bloodworth reported a bill to authorise the Justices of the Inferior Court of Carroll county to levy and collect an extra tax for the purpose of building a court house in said county; which was read the first time.

Mr. Riley reported a bill to be entitled an act giving the election of county Treasurer of Taylor county to the legal voters of said county; which was read the first time.

On motion of Mr. Peeples, one hundred and twenty copies of a bill to incorporate a Bank in Athens, were ordered to be printed.

Mr. Brice reported a bill to be entitled an act to authorise Lewis Zeigler of the State of Louisiana, and Henry Zeigler of the State of Alabama, to qualify and act as executors of the last will and testament of William Zeigler, late of Crawford county, deceased; which was read the first time.

Mr. Peeples reported a bill to be entitled an act for the relief of John Rickenbacker, Margaret Zimmerman, formerly Margaret Rickenbacker, Samuel E. Rickenbacker, Emanuel Rickenbacker, and the legal representatives of Josiah Rickenbacker, deceased, and to prevent the estate of Jacob Stroman, deceased, late of the county of Meriwether, from being escheated under the escheat laws of this State, which was read the first time.

On motion of Mr. Knight, the order was suspended so as to allow the second reading of the following bill:

A bill to be entitled an act to create a new Judicial Circuit of Clinch, Ware, &c., and provide for the appointment and election of Judge and Solicitor for the same.

On motion, the same was referred to a select committee of five, consisting of Messrs. Nichols, Knight, McDonald, Atkinson and Long.

On motion of Mr. Gibson the Senate then adjourned till ten o'clock to-morrow morning.

TUESDAY, NOVEMBER 13th, 1855.

The Senate met pursuant to adjournment.

The President announced the following as the Standing Committees:

On the State of the Republic—Messrs. Lawson of Burke, Miller, Spalding, Billups, Wingfield, McMillan, Sims, Dabney and Atkinson.

On the Judiciary—Messrs. Gibson, Cone of Greene, Pope Baxter, Buchanan, Wales, Nichols, Cumming, Murphy and Strickland.

On Finance—Messrs. Lawton, Calhoun. Ponder, McIntosh, Fambro, Morris, King, Brown of Gwinnett, Lawson of Houston, and Lott.

On Privileges & Elections—Messrs. Murphy, Wynn, Robinson, Patterson of Gilmer, and Colbert.

On Petitions—Messrs. Whittaker, McDonald, Poole, Howell and Dixon.

On Enrollment—Messrs. Guerry, Hardeman, Landrum, Cannon and Cantrell.

On Journals—Messrs. Camden, Marshall, Harris, Riley and Allred.

On Internal Improvements—Messrs. Scriven, Peeples, Grant, Knight, Scott, Lawton, Hardeman, Long, Pope, Moore of Cobb, and Wellborn.

On Public Education and Free Schools—Messrs. McMillan, Moore of Lincoln, Grant, Peeples, Wingfield, Cone of Greene, Guerry, Atkinson and Patterson of Jefferson.

On Banks—Messrs. Miller, Scriven, Chastain, Dupree, Beall, Calhoun, Buchanan, Maddux and McGuire.

On the Penitentiary—Messrs. Dunnagan, Carlton, Brice, Hines, Jeter, Murray, Pharr, White, Bloodworth, Gordon and Reddish.

On the Lunatic Asylum—Messrs. Landrum, Beasely, Avery, Ragan, Adams, Griffin, Head, Moody, Rudisill, Roddenberry and Brown of Calhoun.

On the Military—Messrs. Cone of Bulloch, Smith, Coffee, Crowder, Jamison, Renfro, Studstill, Moore of Cobb, Hill, Gray, Hays and McCrimmon.

On Printing—Messrs. Baxter, Shropshire, Brown of Baldwin, Sapp, Ashe, Turner, Hamilton, Long, Swinney, Sumner, Rudisill and Causey.

On Deaf and Dumb Asylum—Messrs. Moreland, Harris of Worth, Beasely, Matthews, Gibson, Newton, Paulk, McGuire and Peeples.

On Institution for the Blind—Messrs. Moore of Lincoln, Smith, Cone of Greene, Cumming, Hardeman, Spalding, Wales, Hale and Ware.

Mr. Calhoun reported a bill to be entitled an act to define the liability of the several Rail-road companies in this State, for injury to person or property to prescribe in what counties they shall be liable to be sued, and how they may be served with process, which was read the first time.

Mr. Buchanan reported a bill to be entitled an act to regulate the collection of jury fees in the Superior and Inferior courts of the county of Coweta; which was read the first time. Also,

A bill to be entitled an act to incorporate Macedonia Academy in the county of Coweta, and to appoint trustees for the same; which was read the first time.

Mr. Lawton reported a bill to be entitled an act to com-

pensate the Petit Jurors of Dougherty and other counties, which was read the first time.

On motion of Mr. Peeples the special order of the day was taken up, which was the bill for the pardon of Jacob Mercer of Stewart county, now under sentence of death for the crime of murder.

On motion of Mr. Guerry, the same was postponed, and made the special order of the day for Friday the 16th inst.

On motion of Mr. Dabney the Senate took up the following resolution, to-wit:

Resolved, That the General Assembly do convene in the Representative Chamber on Wednesday next, the 14th inst. at 11 o'clock, A. M. and proceed to the election of a Director of the Bank of the State of Georgia.

On motion of Mr. Pope, the same was amended by adding "the election of Judge of the Supreme Court."

On motion of Mr. Screven, the same was further amended by striking out the word 'Wednesday' and inserting in lieu thereof, the words 'Tuesday next.'

The resolution as amended was then read and agreed to.

On motion of Mr. Lawton, the regular order was suspended, and the following bill was read a second time, and committed to-wit:

A bill to be entitled an act to authorize the county of Dougherty to aid in constructing the Georgia and Florida Railroad between Albany and Americus, or any Railroad running to said county by subscription for stock and the issue of bonds therefor upon a vote of citizens.

On motion of Mr. Peeples, the regular order was suspended, and the following bill was read a second time, and committed, to-wit:

A bill to be entitled an act to increase the salaries of the Judges of the Supreme Court of this State.

Mr. Nichols from the select committee to whom was referred the bill to form a new circuit of the counties of Clinch, Ware, Coffee, Appling, Wayne, Glynn, Camden and Charlton, to be called the Brunswick circuit, made the following report, to-wit:

That your committee have carefully examined the condition of the two circuits from which the new circuit is to be made, and find the amount of travel in the Southern Circuit much greater than in any other circuits in the State, to-wit: from the county of Thomas to the county of Charlton, the eastern extremity of the district, it is over one hundred and sixty miles, from the county of Charlton to the county of Laurens, the northern extremity of the district, it is one hundred and fifty miles, and from Laurens county to Thomas, one hundred and sixty miles; besides which, the distance from Thomas to Irwin and Telfair counties is to be added, a distance of one hundred miles, making the actual travel of

the Judge over 1100 miles during the year. The Committee would further state, that the frequent freshets of the Altamaha and Allapahaw rivers have not unfrequently prevented the holding of the Courts in that portion of the district taken from the Southern Circuit, and forced the Judge from that portion of the Eastern Circuit to great inconvenience and expense in getting to his Court. That the city of Savannah, since the formation of the Eastern Judicial District has trebled in population, requiring of the Judge of that District immense labor. That the counties embracing this District are rapidly increasing in population and wealth, creating a large amount of litigation.

Your committee for the above reasons, would report the bill back without amendment, and recommend its passage.

On motion of Mr. Harris of Worth, the Senate adjourned till ten o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 14th, 1855.

The Senate met pursuant to adjournment.

Leave of absence was granted to Messrs. Wingfield, Calhoun, Hines, Head and Nichols for a few days.

Mr. Jamison reported a bill to be entitled an act to lay out and form a new county from the county of Union, and provide for the organization of the same, which was read the first time.

Mr. Long reported a bill to be entitled an act to amend an act entitled an act, to alter and change the mode of appointing Trustees of Glynn County Academy, in the county of Glynn, and to compel the Treasurer to give bond and security for the faithful performance of his duty, and for other purposes therein named, which was read the first time.

On motion of Mr. Dunnagan, Mr. McMillan of Habersham was added to the committee on Internal Improvements.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have passed the following bills, to wit:

A bill to be entitled an act for the relief of Mary W. Gresham formerly Mary W. Triplett of Wilkes county, and to change the name of Mary W. Gresham to that of Mary W. Triplett.

Also, a bill to be entitled an act to alter and change the line deviding the counties of Camden and Charlton, and to appoint Commissioners to run the same.

Also, a bill to be entitled an act to authorize the drawing the Grand and Petit Jurors for the County of Dougherty.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Washington county to revise their Jury box, and for other purposes.

Also, a bill to be entitled an act to authorize the county of Dougherty to aid in constructing the Georgia and Florida Railroad between Albany and Americus, or any other Railroad running to said county by subscription for stock, and the issue of bonds therefor, upon a vote of citizens.

Also, a bill to be entitled an act to authorize the selection and permanent location of a county site in the county of Wayne, to authorize the building of a new Court House, and the levying of an extra tax, and for other purposes therein specified.

Also, a bill to be entitled an act to incorporate the Greenville Masonic Female Institute located in the town of Greenville, and to confer powers on the same.

Mr. Shropshire reported a bill to be entitled an act to regulate the interest on money loaned in this State, and provide for the collection of the same, which was read the first time.

Mr. Cone of Greene, reported a bill to be entitled an act to authorize the issuing of Attachments and Garnishments and to regulate proceedings in relation to the same and for other purposes therein mentioned, which was read the first time.

Mr. Screven reported a bill to be entitled an act to protect the planters of Oyster Beds, and to give exclusive right to the usufruct of natural beds of Oysters, in certain cases, which was read the first time.

Mr. Murray reported a bill to be entitled an act to compensate Grand and Petit Jurors of the county of Catoosa, which was read the first time.

On motion of Mr. Lawton, the regular order was suspended, and the Senate took up the report of the Committee of the Whole, on the following bill, to wit :

A bill to be entitled an act to authorize the county of Dougherty to aid in constructing the Georgia & Florida Railroad between Albany and Americus, or any Railroad, running to said county, by subscription for stock and the issue of bonds therefor, upon a vote of citizens.

On motion of Mr. Lawton, the same was amended by inserting after the enacting clause, the bill passed by the House of Representatives.

Mr. Hardeman moved to strike out the third section of the bill, pending the discussion thereon

On motion of Mr. Knight, the same was laid on the table for the present.

On motion of Mr. McMillan, one hundred and twenty

copies of the bill in relation to the issuing of Attachments and Garnishments, were ordered to be printed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President: I am directed by the House of Representatives to inform the Senate that they have passed the following bills, to wit:

A bill to be entitled an act to increase the salaries of the Judges of the Supreme Court.

Also, a bill to authorize the State Treasurer to make certain advances.

Mr. McMillan reported a bill to be entitled an act to repeal an act passed 18th February, 1854, to provide for the education of the poor so far as the counties of Habersham and Carroll are concerned, and to require the Ordinary of Chattooga county to pay the widow of Harrison H. Strange, a certain sum therein named, so far as relates to the county of Habersham, and for other purposes, which was read the first time.

Also, a bill to be entitled an act to further regulate the decisions and practice of the Supreme Court, which was read the first time.

Also, a bill to be entitled an act for the relief of Gabriel Sisk, which was read the first time.

Also, a bill to be entitled an act to lay out a new county from Clark, and for other purposes, which was read the first time.

Mr. McDonald reported a bill to be entitled an act for the relief of Mary Ann Lee of Ware, which was read the first time.

Mr. Wales offered the following resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of abolishing the laws against Usury in this State or the expediency of a modification of the same, and that said committee report by bill, or otherwise, at their earliest convenience.

Mr. Jeter reported a bill to be entitled an act to lay out and form a new county from the counties of Marion, Macon and Sumter, and provide for the organization of the same, which was read the first time.

Mr. Gibson reported a bill to be entitled an act to alter and amend an act passed the 10th of November, 1845, appointing the places for holding the Supreme Court, which was read the first time.

Also, a bill to be entitled an act to alter and change a part of the 1st section of the 3rd Article of the Constitution of this State, which was read the first time.

Also, a bill to be entitled an act to change the line of the counties of Crawford and Monroe so as to change the resi-

dence of Littleberry Lucas of Crawford county, which was read the first time.

Mr. Buchanan offered the following resolution, to wit :

Resolved, That his Excellency the Governor be requested to lay upon the table of the Secretary of the Senate, his reasons for the respite of the sentence of Jacob Mercer convicted of Murder in Stewart Superior Court, and the affidavits accompanying the petition for said respite.

Mr. Buchanan reported a bill to be entitled an act in relation to fees of the Attorney General and Solicitors General of this State, which was read the first time.

Mr. Murphy reported a bill to be entitled an act to change the time of holding the Superior Court of the county of Newton, and allow two weeks for holding the same, and for other purposes therein mentioned, which was read the first time.

Mr. Nichols reported a bill to be entitled an act, assented to January 22nd, 1852, which was read the first time.

Mr. Peebles reported a bill to be entitled an act to incorporate the Athens Guard, which was read the first time.

Mr. Dabney reported a bill to be entitled an act to cut off from the county of Murray Lot of Land No. 253 in the 8th Dist. 3d Section and add the same to the county of Gordon, which was read the first time.

Also, a bill to be entitled an act for the relief of Giles Widener of the county of Gordon, which was read the first time.

On motion of Mr. Dabney, the resolution proposing an addition to the standing Rules of the Senate, was taken up.

On motion of Mr. Knight the same was amended by adding : " Should the Secretary fail to get through the call in any one day, he shall commence next day, where he left off the day before, until all are called."

The resolution, as amended, was then read and agreed to.

Mr. Camden reported a bill to be entitled an act to incorporate the Sixes Mining Company of Georgia, which was read the first time.

Mr. Camden offered the following resolution, to wit :

Resolved, That a committee of three be appointed by the Chair to inform his Excellency the Governor, that it is likely they will not have sufficient time to act in relation to the pardon of Jacob Mercer and John T. Boyd before the time to which they are respited, and request an extension of the time of their respite.

Mr. Peebles moved to amend by adding "respite Jacob Mercer until the 3rd Friday in January," which motion was lost.

The resolution was then read and agreed to.

The committee appointed by the Chair under the same, are Messrs. Guerry, Peebles and Jeter.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Cone of Bulloch the following bills of the Senate were taken up and severally read the second time, and referred to a Committee of the Whole, to wit :

A bill to be entitled an act to repeal an act entitled an act to alter, amend and explain Section 4th of an act entitled an act. for the prevention of Frauds and Perjuries, approved February 20th, 1854.

A bill to be entitled an act to alter and amend the first Section of the third Article of the Constitution.

A bill to be entitled an act to create Pataula Circuit.

A bill to be entitled an act to alter and amend the 3d, 4th, 7th and 12th Sections of the first Article of the Constitution of this State.

A bill to be entitled an act to repeal the proviso of an act entitled an act to define the liability of endorsers of Promissory notes, and other instruments, and to place them upon the same footing with securities," approved Dec. 26th, 1826, which provides that nothing herein contained shall extend to any promissory notes which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered bank or which may be deposited in any chartered bank for collection, and for other purposes.

A bill to be entitled an act to incorporate a Bank in the town of Athens, to be called "The Bank of Athens."

A bill to be entitled an act to add a part of the county of Ware to the county of Charlton.

A bill to be entitled an act amend an act to incorporate the Brunswick Improvement Company, passed 9th Feb., 1854.

A bill to be entitled an act to fix the dignity and prescribe the order in which debts due by deceased persons shall be paid.

A bill to be entitled an act to entitle the pilots of the bar of Tybee and river Savannah to receive the same rates or fees for pilotage, as are now allowed by law at the port of Darien in the county of McIntosh.

A bill to be entitled an act to repeal an act entitled an act to change the line between the counties of Campbell and Fayette so as to include the residence of Nathan Camp, now in the county of Fayette, in the county of Campbell, approved Feb. 20th, 1854.

A bill to be entitled an act for the relief and divorce of Elizabeth Martin, and for other purposes.

A bill to be entitled an act to add the county of Carroll to the fourth Congressional District.

On motion of Mr. Bloodworth the same was ordered to be engrossed.

A bill to be entitled an act to authorize the Gainesville and Chattahoochee Ridge Railroad Companies to consolidate their charters and make them uniform, and to increase and fix the amount of their capital.

A bill to be entitled an act to repeal so much of an act entitled an act to add a part of Carroll county to the county of Heard, and establish an additional election precinct in Heard county, assented to December 20th, 1834, as relates to adding a part of Carroll county to the county of Heard.

A bill to be entitled an act to incorporate the Union Coal and Iron Company of Georgia.

A bill to be entitled an act to give State aid to the Brunswick and Florida Railroad Company, which on motion of Mr. Knight was referred to Committee on Internal Improvements.

A bill to be entitled an act to incorporate the city of Brunswick.

A bill to be entitled an act to repeal an act entitled an act to compel persons living in the county of Wayne to give in, and pay their taxes in said county for all property they may own in the State, and for other purposes.

A bill to be entitled an act to add Lots of Land Nos. 117 and 118 in the 6th District of Irwin to Worth county.

A bill to be entitled an act to lay out and organize a new county from the counties of Henry and Fayette, and for other purposes therein specified.

On motion of Mr. Turner the same was referred to a select committee of seven.

A bill to be entitled an act to authorize Constables in and for the counties of Telfair, Irwin and Coffee, and who have taken oath and given bond in terms of the law, to serve any process whatever on the Sheriff of their respective counties, and return the same to the Court from whence it issued.

A bill to be entitled an act for the relief of John Rickenbacker, Margaret Zimmerman, formerly Margaret Rickenbacker, Samuel G. Rickenbacker, Emanuel Rickenbacker, and the legal representatives of Josiah Rickenbacker, deceased, and to prevent the estate of Jacob Stroman, deceased, late of the county of Merriwether from being escheated under the escheat laws of this State, which on motion was referred to the Judiciary Committee.

A bill to be entitled an act to change the time of holding the Inferior Court of the county of Campbell.

A bill to be entitled an act limiting the time in which suits in the Courts of Law in this State must be brought, and also the time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned, which on motion of Mr. Cone of Greene, was referred to the Judiciary Committee.

A bill to be entitled an act to authorize Dr. F. N. Hardman of the county of Fulton to practice medicine on the improved Botanic and German system of practice and to recover his dues for professional services and medicines.

A bill to be entitled an act to incorporate Atlanta Female College located in Atlanta, and to confer powers on the same.

A bill to be entitled an act to incorporate the Hydrant Water Company of Columbus.

A bill to be entitled an act to repeal an act entitled an act to alter and amend the fifth section of an act to regulate the weighing of Cotton, and other commodities in this State, approved February 7th, 1854.

A bill to be entitled an act to repeal an act to prevent the killing of deer at certain periods of the year, in the counties of Burke and Worth, so far as relates to the county of Worth.

A bill to be entitled an act to repeal the second section of an act entitled an act to regulate the granting of new trials, approved the 20th of February, 1854.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Carroll county, to levy and collect an extra Tax for the purpose of building a Court House in said county.

A bill to be entitled an act giving the election of County Treasurer of Taylor to the legal voters of said county.

A bill to be entitled an act to carry into effect the third item of the last will and testament of George M. Watters, deceased, which, on motion, was referred to the Judiciary Committee.

A bill to be entitled an act to authorize Lewis Zeigler of the State of Louisiana, and Henry Zeigler of the State of Alabama to qualify and act as Executors of the last will and testament of William Zeigler late of Crawford county, deceased.

A bill to be entitled an act to regulate the collection of Jury fees in the Superior and Inferior Courts of the county of Coweta.

A bill to be entitled an act to incorporate Macedonia Academy, in the county of Coweta, and to appoint Trustees for the same.

A bill to be entitled an act to define the liability of the several Railroad Companies in this State for injury to person or property, to prescribe in what counties they shall be liable to be sued, and how they may be served with process, which on motion was referred to the Committee on the Judiciary.

A bill to be entitled an act to compensate the Petit Jurors of Dougherty and other counties.

Mr. Wingfield reported a bill to be entitled an act to pre-

vent the Ordinaries in the several counties of this State from practising law in the Courts of Law and Equity in the same, which was read the first time.

On motion of Mr. Rudisill the regular order was suspended, and the following bill from the House of Representatives was taken up and read the first time, to wit :

A bill to be entitled an act to authorize the Justices of the Inferior Court of Washington county to revise their Jury Box, and for other purposes.

The committee appointed by the Chair to whom was referred the bill to create a new county from Henry and Fayette, are Messrs. Turner, Whitaker, Charlton, Dupree, Bloodworth, Calhoun and Strickland.

On motion of Mr. Ashe the Senate then adjourned till 10 o'clock to-morrow morning.

THURSDAY, NOV. 15th, 1855.

The Senate met pursuant to adjournment.

Mr. Adams reported a bill to be entitled an act for the relief of John J. Morris and John C. Morris of Clay county; which was read the first time.

Mr. Bloodworth reported a bill to change the name of Austin G. L. Cheek of the county of Carroll to that of Austin G. L. Crider, which was read the first time.

Mr. Buchanan offered the following resolution, to-wit :

Resolved, That so much of the Governor's Message as relates to our Federal Relations and the boundary line between Florida and Georgia be referred to the Committee on the State of the Republic; so much as relates to the Treasury, Taxation and the Public Debt to the Committee on Finance. So much as relates to the Western and Atlantic Rail-road, Internal Improvements and State Aid to the Committee on Internal Improvements; so much as relates to the Penitentiary, to the Committee upon the Penitentiary; so much as relates to Banks, to the Committee on Banks; so much as relates to Public Printing to the Committee on Printing; so much as relates to education, to the Committee on Education and Free Schools; so much as relates to the Judiciary to the Committee on the Judiciary; so much as relates to the militia and the Georgia Military Institute, to the Committee on the Military; and so much as relates to the Lunatic Asylum, to the Committee on the Lunatic Asylum.

M. Cantrell reported a bill to be entitled an act to lay out and form a new county of the counties of Lumpkin and Gilmer, and for other purposes therein specified; which was read the first time.

Mr. Carlton reported a bill to be entitled an act to amend

an act entitled an act to change the line between the counties of Campbell and Fayette, so as to include the residence of Nathan Camp, now in the county of Fayette, in the county of Campbell, assented to February 20th, 1854, which was read the first time.

Mr. Chastain reported a bill to be entitled an act to add a part of the county of Union to the county of Fannin, and for other purposes therein mentioned; which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act declaring who are qualified and liable to serve as jurors in criminal cases, regulating the manner of empanuelling a jury in such cases, declaring who are competent jurors, and the mode and manner of ascertaining such competency, and for other purposes therein mentioned; which was read the first time.

On motion of Mr. Lawton, one hundred and twenty copies of the same were ordered to be printed.

Mr. Dabney reported a bill to be entitled an act to point out the mode of ascertaining the relief and support to which widows and orphans are entitled out of the estates of their deceased husbands and parents in cases where letters testamentary or of administration have or shall be hereafter granted, and for other purposes; which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President: The House of Representatives have passed the following bill:

A bill to be entitled an act to authorize Arner Burnam of Houston county, as guardian of James R. R. Hadduck, minor of William Hadduck, deceased, to settle with his ward and to make said James R. R. Hadduck, competent to contract and be contracted with, sue and be sued, and to do all other lawful acts which an adult may of right do.

Mr. Calhoun offered the following resolution, to-wit:

Resolved by the Senate and House of Representatives, That the committees appointed by the Senate and House of Representatives on the Penitentiary, be a Joint Standing Committee.

Mr. Fambro reported a bill to be entitled an act to exempt all property real or personal, inherited by or given to any female, either by or after marriage of said female, from seizure or sale to satisfy any debt or demand founded on any contract of the husband made or entered into before marriage, which was read the first time.

Also, a bill to be entitled an act to repeal an act assented to February 20th, 1854, to settle and fix the hours of labor by all white persons under twenty-one years of age, in all cotton, woolen and other manufacturing establishments in this State, and to make all contracts to labor in said facto-

ries for a greater length of time than therein prescribed null and void, and to punish violations of the same: which was read the first time.

Mr. Griffin reported a bill to be entitled an act to repeal an act approved Jan'y 22d, 1852, entitled an act to repeal the 1st section of an act approved 19th December, 1849, entitled an act to repeal all laws respecting the importation of slaves into this State, and to give certain powers to municipal corporations in relation to slaves and to amend the act hereby revived, and to revive the said first section so repealed; which was read the first time.

Mr. Guerry reported a bill for the relief of Elizabeth J. Tucker, which was read the first time.

Mr. Hamilton reported a bill to be entitled an act to change and define and limit the time of holding the Superior Courts of the counties of Crawford, Twiggs, Macon and Dooly, which was read the first time.

Mr. Harris of Worth reported a bill to be entitled an act to add the county of Worth in the Macon Circuit to the Southern Circuit, and to alter the time of holding the Superior and Inferior Courts of said county; which was read the first time.

Mr. Jeter reported a bill to be entitled an act to authorize the Superior Court of Marion county, and to grant a divorce between James W Norman and his wife Elizabeth F. Norman, upon certain conditions therein named; which was read the first time.

Mr. Long reported a bill to be entitled an act to authorize the Justices of the Inferior Courts of this State to exercise criminal jurisdiction; which was read the first time. Also,

A bill to be entitled an act to authorize the Treasurer of Glynn County Academy, to pay over certain monies in his hands, which was read the first time. Also,

A bill to be entitled an act to amend an act entitled an act to amend an act to incorporate the Brunswick and Florida Rail-road Company, passed 22d December, 1835, and also to amend an act amendatory of the same, assented to Dec. 27th, 1838; which was read the first time.

The following message was this day received from the Governor, through Mr. deGraffenried, his Secretary:

Mr. President: I am directed by the Governor, to transmit to this branch of the General Assembly, a communication in writing:

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., Nov. 15th, 1855. }

To the Senate and House of Representatives:

In compliance with a resolution of the Senate, stating that the respites for Jacob Mercer and John T. Boyd will expire before the General Assembly can act upon their application

for pardon, and requesting an extension of the time, I have the honor to communicate, that I have this day, by Executive order, addressed to the proper officers of the counties of Stewart and Muscogee, respectively, prolonged the respite in both cases, until Friday the 30th of the present month.

HERSCHEL V. JOHNSON.

Mr. Moody reported a bill to be entitled an act to reduce the Sheriff's bond of Tattnall county; which was read the first time; also,

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Tattnall, and to provide for the payment of the same; which was read the first time.

Mr. Murphy reported a bill to be entitled an act to lay off and form a new county out of the counties of Cobb, Cherokee, Forsyth, Gwinnett, DeKalb and Fulton, and to organize the same, which was read the first time.

Mr. Morris presented a memorial in relation to the Western and Atlantic Rail-road, which on motion, was referred to the Committee on Internal Improvements.

Mr. Paulk reported a bill to be entitled an act to change the names of certain persons, and to legitimize and make heirs at law of certain persons therein mentioned, accompanied by a petition, which was read the first time. Also,

A bill to be entitled an act to change the residence of Fredericks Merit, Sr., of the county of Coffee to the county of Irwin, which was read the first time.

Mr. Peeples presented the report and memorial of the Trustees of the University of Georgia, and on motion the same was referred to the committee on Public Education.

Mr. Pope offered the following resolution, to-wit :

Resolved, That that portion of the Governor's message relating to the Public Printing be referred to a special committee of one from each Congressional District.

Mr. Riley reported a bill to be entitled an act to refund to the county of Taylor the amount of tax paid into the Treasury of the State from said county for the year eighteen hundred and fifty; which was read the first time.

Mr. Sapp reported a bill to be entitled an act to change the mode of apportioning the poor school fund of Baker county, with the counties of Dougherty and Calhoun; which was read the first time.

Mr. Sumner reported a bill to be entitled an act to alter and amend an act to appropriate a sum of money to remove obstructions from the Big and Little Ohoopie rivers, and to render the same navigable for the transportation of timber, rafts, lumber, wood and produce thereon, and for other purposes therein mentioned, approved February 14th, 1854; which was read the first time; also,

A bill to be entitled an act to change the names and legit-

imatize certain persons therein named, accompanied by a petition; which was read the first time.

Mr. Screven presented a memorial of the pilots of the bar of Tybee and river Savannah; which on motion was referred to the Committee on Petitions.

Mr. Wellborn reported a bill to be entitled an act to authorize the Ordinary of Whitfield county to pay arrearages due John B. Griffin, teachers of poor children in said county for services rendered in the year 1854; which was read the first time; also,

A bill to be entitled an act to incorporate the Mount Vernon Methodist Camp Ground in Whitfield county; which was read the first time. Also,

A bill to be entitled an act to give state aid to the Dalton and Gadsden Rail-road Company; which was read the first time.

Mr. White reported a bill for the relief of D. M. Burns Jr., of Jackson county; which was read the first time; also,

A bill to be entitled an act in relation to allowing Tax Collectors an insolvent list by the Grand Juries of the several counties of this State; which was read the first time,

The special order of the day was then taken up, and on motion of Mr. Cone of Greene, the same was postponed till Wednesday next.

Mr. Cone of Greene offered the following resolution; which was taken up and agreed to, to-wit:

Resolved, That the Secretary of the Senate procure from the Clerk of the Supreme Court certified copies of the opinions of said Court in the cases of the State vs. John T. Boyd and Jacob Mercer, and that one hundred and twenty copies of said opinions be printed for the use of the Senate.

On motion of Mr. Cone of Bulloch, the message from his Excellency the Governor, in relation to the respite of Mercer and Boyd, was then taken up and read.

On motion of Mr. Lawton, the bill to authorize the county of Dougherty to aid in constructing the Georgia & Florida Rail-road, which was laid on the table for the present on yesterday, was taken up.

Mr. Lawton moved to strike out the words in the third section "tax resources of the county" and insert in lieu thereof, the words "derivable from county tax."

The motion was agreed to.

The Report of the Committee of the Whole as amended was then agreed to, the bill was read the third time, and on the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 56, nays 45.

Those who voted in the affirmative, are Messrs. Ashe, Atkinson, Beasley, Brice, Brown of Baldwin, Buchanan, Cantrell, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Grant, Hamilton, Hardeman, Harris of Taliaferro, Harris

of Worth, Hays, Howell, Jamison, Jeter, King, Knight, Lawson of Houston, Lawton, Long, Lott, Matthews, McDonald, McGuire, McMillan, Moody, Morris, Murphy, Newton, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Strickland, Sumner, Wales, Welborn and Wynn.

Those voting in the negative are Messrs. Adams, Allred, Avery, Baxter, Beall, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Carlton, Causey, Chastain, Colbert, Crowder, Dabney, Dixon, Fambro, Gibson, Griffin, Guerry, Head, Hill, Landrum, Maddux, Marshall, McCrimmon, McIntosh, Moore of Lincoln, Moreland, Murray, Patterson of Gilmer, Patterson of Jefferson, Riley, Robinson, Smith, Studstill, Swinney, Turner, Ware, Whitaker, White and Wingfield.

So the bill was passed.

On motion of Mr. Dunnagan, the rules were suspended to take up the resolution in relation to the Committee on the Penitentiary; which was then read and agreed to.

On motion of Mr. Dunnagan, the rules were further suspended, and the following bill was taken up and referred to the Committee on Internal Improvements, to-wit:

A bill to be entitled an act to authorize the Gainesville & Chattahoochee Ridge Rail-road Companies to consolidate their charters and make them uniform, and to increase and fix the amount of their capital.

On motion of Mr. Long, the rules were suspended, and the following resolution from the House of Representatives was then taken up, read and agreed to, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That our Senators and Representatives in Congress be requested to have established by law a weekly mail route from Mount Pleasant in Glynn county via Speightville and Elias Fort's to Pendarvis' Store in Wayne county; and that his Excellency the Governor cause a copy of this resolution to be forwarded to each of our Senators and Representatives in Congress.

Leave of absence was granted for a few days to Messrs. Pharr and Landrum.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Long, the rules were suspended, to take up the report of the committee on the bill to be entitled an

act to create a new judicial circuit of Clinch, Ware, &c., and provide for the appointment of Judge and Solicitor for the same.

Mr. Knight moved to amend the second section by striking out the words, "and on the first Monday in January of every fourth year, and insert in lieu thereof, the words "on the first Monday in October, eighteen hundred and fifty-nine, and on the first Monday in October of each and every fourth year thereafter.

The motion was agreed to.

Mr. Knight moved to amend by adding the following as an additional section :

"Section 6th. And be it further enacted by the authority aforesaid, That from and after the first day of January next, the Superior Courts for said circuit shall be held at the following times, to-wit : in the county of Charlton on the second Monday in March and November; in the county of Camden on the third Monday in March and November; in the county of Wayne on the Thursday after the third Monday in March and November; in the county of Glynn on the fourth Monday in March and November; in the county of Appling on the first Monday in April and on the Wednesday after the first Monday in October; in the county of Coffee on the second Monday in April and October; in the county of Ware on the third Monday in April and October; and in the county of Clinch on the fourth Monday in April and October of each and every year.

The amendment was agreed to.

Mr. Knight moved to amend further by making the following additional section :

"Sec. 7th. And be it further enacted by the authority aforesaid, That said Brunswick Circuit shall belong to the Third Supreme Judicial District.

The amendment was agreed to.

On motion of Mr. Knight, the report of the Committee of the Whole as amended, was agreed to. The bill was read the third time, and on the question, Shall this bill now pass ? the yeas and nays were required to be recorded, and are, yeas 44, nays 45.

Those voting in the affirmative are Messrs. Adams, Bloodworth, Brice, Brown of Calhoun, Coffee, Crowder, Dahney, Gordon, Grant, Guerrey, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Hill, Jamison, Jeter, Knight, Lawson of Houston, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Murray, Paulk, Peebles, Ponder, Ragan, Reddish, Renfroe, Riley, Roddenberry, Rudisill, Screven, Smith, Studstill, Sumner, Turner and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Beall, Beasely, Brown of Gwinnett, Camden, Cannon,

Cantrell, Carlton, Causey, Chastain, Colbert, Cone of Bulloch, Dixon, Dunnagan, Dupree, Fambro, Gray, Griffin, Hardeman, Head, Howell, King, Maddux, Marshall, McGuire, McIntosh, Moreland, Morris, Patterson of Gilmer, Patterson of Jefferson, Poole, Robinson, Sapp, Shropshire, Simms, Scott, Spalding, Swinney, Ware, Wellborn, Whitaker, White and Wynn.

So the bill was lost.

The Senate then proceeded with the order of the day, which was the consideration of the Report of the Committee of the Whole on the bill to be entitled an act to repeal an act entitled an act to alter and amend and explain section 4th of an act entitled an act for prevention of frauds and perjuries, approved Feb. 20th, 1854.

On motion of Mr. Dabney, the same was referred to the Committee on the Judiciary.

The Senate took up the Report of the Committee of the Whole on the bill to increase the salaries of the Judges of the Supreme Court.

Mr. Peebles moved to amend by substituting the House bill, immediately after the enacting clause.

Mr. Pope moved to separate the question, and strike out all after the enacting clause in the Senate bill.

The motion was lost.

Pending the discussion on the substitute, on motion of Mr. Hardeman, the same was laid on the table for the present.

On motion the Senate then adjourned till ten o'clock tomorrow morning.

FRIDAY, NOVEMBER 16th, 1855.

The Senate met pursuant to adjournment.

Mr. Miller moved to reconsider so much of the Journal of Thursday, as relates to making the bill for the pardon of John T. Boyd, the special order of Wednesday next.

The motion to reconsider prevailed.

Mr. Fambro moved to reconsider so much of the Journal of Thursday, as relates to the passage of the bill authorizing the county of Dougherty to aid in the construction of the Georgia and Florida Railroad.

The motion was lost.

Mr. Atkinson moved to reconsider so much of the Journal of Thursday as relates to the passage of a bill to create a new Judicial Circuit of Clinch, Ware, Coffee and other counties.

• Whereupon the yeas and nays were required to be recorded, and are, yeas 67, nays 32.

Those who voted in the affirmative are Messrs. Adams, Atkinson, Avery, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Carlton, Causey, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dabney, Gray, Gibson, Gordon, Grant, Griffin, Gueiry, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Hill, Howell, Jamison, Jeter, King, Knight, Long, Lott, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Miller, Moody, Morris, Murphy, Murray, Patterson of Gilmer, Paulk, Peebles, Ponder, Pope, Ragan, Reddish, Renfroe, Riley, Roddenberry, Rudisill, Sapp, Scott, Screven, Smith, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Wingfield and Wynn.

Those who voted in the negative are Messrs. Allred, Ashe, Baxter, Beall, Beasley, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Colbert, Cone of Bulloch, Dixon, Dunnagan, Dupree, Fambro, Lawson of Houston, Maddux, Marshall, McGuire, Moore of Cobb, Moreland, Newton, Patterson of Jefferson, Poole, Robinson, Shropshire, Simms, Strickland, Welborn, Whitaker and White.

So the motion prevailed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President: I am directed by the House of Representatives to inform the Senate that they have passed the following bills, to wit :

A bill to be entitled an act for the relief of James Monroe Mitchell of the county of Muscogee.

A bill to change the name of Jordan S. Yeomans of the county of Montgomery, to that of Jordan S. Phillips, and legitimize the same.

A bill to be entitled an act to provide for the survey of the sixth District of Habersham county.

A bill to be entitled an act to authorize the Inferior Court of Washington county to levy and collect an extra Tax for the building of a Court House and Jail in said county.

A bill to be entitled an act to submit the question of the removal of the Court House of the county of Macon to the people thereof, and the place of its location, and in case they elect to remove it, to authorize the Justices of the Inferior Court to sell the Court House and property of the county appertaining thereto, to negotiate for the site that may be elected, and levy an extra tax for the building of a new Court House.

A bill to be entitled an act to incorporate Ocmulgee Mills.

A bill to be entitled an act to repeal an act entitled an act to reduce the fees of the several Tax Collectors hereafter to be elected for the county of Liberty, and for other purposes therein named.

A bill to be entitled an act to provide a correct registry of deaths occurring in the city of Savannah, and of interments in said city, and its vicinity, and for other purposes.

A bill to be entitled an act to alter and amend an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices' Courts, approved December 14th, 1811, so as to allow and authorize the same person to hold the two offices of Clerk of the Inferior Court and Justices of the Peace at the same time in the county of Lumpkin.

On motion of Mr. Cone of Bulloch, a communication from E. S. Candler, Comptroller General in relation to the account of John S. Denmark, Tax Collector of Bulloch county, was taken up, read and, on motion of Mr. Cone of Bulloch, the same was referred to a select committee of three.

The committee appointed by the Chair, under the motion, were Messrs. Cone of Bulloch, Lawson of Houston, and Dunnagan.

Mr. Beall reported a bill to be entitled an act to authorize the Justices of the Inferior Court of Warren county to levy an additional tax on the State tax sufficient to defray the annual expenses of the county, and one third of the present indebtedness, which was read the first time.

Mr. Bloodworth of Carroll, reported a bill to be entitled an act to amend the Casa Laws, which was read the first time.

Mr. Buchanan reported a bill to be entitled an act to change the name of Selita Bigby of Coweta county, to Selita Carter, accompanied by a petition, which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act to alter and amend the fourth division of the Penal Code, and for other purposes therein mentioned, which was read the first time.

Also, a bill to be entitled an act for the relief of James Henry Fannin of the county of Troup, a minor in the twenty-first year of his age, which was read the first time.

Also, the following resolution, to wit :

Resolved, That the following shall be one of the standing rules of the Senate: When a bill has passed the House of Representatives, and been sent to the Senate, and such bill shall be received as a substituted bill, shall not be put upon its passage until it has been read three times on three several day, agreeable to the provisions of the Constitution.

Mr. Dabney reported a bill to be entitled an act to authorize Thomas D. Shelton of the county of Floyd, to practice physic and surgery in all their branches, and to collect compensation for the same, without obtaining license as now required by law, which was read the first time.

Mr. Fambro reported a bill to be entitled an act to change

the place of holding Justices Courts in the 537th Dist., G. M., also, to remove certain election precincts in the county of Upson, and other purposes therein mentioned, which was read the first time.

Also, a bill to be entitled an act to authorize the Ordinary, acting Commissioner of the Poor School fund in Upson county, to pay certain bills for tuition when proper returns have not been made, which was read the first time.

Mr. Gibson reported a bill to be entitled an act to extend the provisions of the 4th Section, 29 Charles II to the sale or gift of slaves, which was read the first time.

Mr. Head reported a bill to be entitled an act to grant certain privileges to Jephtha Mock of Macon county, which was read the first time.

Also, a bill to be entitled an act for the relief of Sarah J. Compton of Macon county, and grant her certain privileges, which was read the first time.

Mr. Hill reported a bill to be entitled an act to require the Ordinaries of this State to keep a book in which they shall record all Letters Testamentary, Letters of Administration, and Letters of Guardianship, and for other purposes, which was read the first time.

Mr. Jeter reported a bill to be entitled an act to allow the evidence of practising physicians to be taken in all civil cases by interrogatories and commission, and to regulate the taking thereof, which was read the first time.

Mr. Lott offered the following resolution, to wit :

Resolved, That his Excellency the Governor be and he is hereby requested to cause our National flag to be erected over the Senate Chamber, and the expense be paid out of the Contingent fund, and said flag be displayed during the time the Senate shall be in session by the Messenger of the Senate.

Mr. McIntosh reported a bill to be entitled an act to incorporate the Elberton Male Academy in the town of Elberton and to appoint Trustees for the same, which was read the first time.

Mr. McMillan reported a bill to be entitled an act to incorporate the North Eastern Railroad Company, which was read the first time.

Also, a bill to be entitled an act to alter the 1st Section of the 3d Article of the Constitution, which was read the first time.

Leave of absence for a few days was granted to Messrs. Gibson and Hardeman.

Mr. Miller reported a bill to be entitled an act to allow Executors, Administrators and Guardians resident in other States or territories to control stocks and money in this State and to empower Trustees to dispose of stocks, which was read the first time.

Also, a bill to be entitled an act to alter the liability of

certain persons acting in a fiduciary character, which was read the first time.

Also, a bill to be entitled an act for the preservation and protection of the rights of married women, and the distribution of their estates, which was read the first time.

Also, a memorial of citizens of Richmond county in relation to Poor School fund, which on motion was referred to the Committee on Public Education.

Mr. Morris reported a bill to be entitled an act to prevent nett cattle from driving into, or through the counties of Murray and Whitfield, which was read the first time.

Mr. Murphy reported a bill to be entitled an act to alter and amend the 19th Section of the 1st Article of the Constitution of the State of Georgia, which was read the first time.

Mr. Peeples reported a bill to be entitled an act to abolish imprisonment for debt, except in certain cases, which was read the first time. Also,

A bill to be entitled an act to preserve and dispose of the property and effects of corporations after their dissolution, and to provide for the payment of debts due by the same, which was read the first time.

Mr. Rudisill reported a bill to be entitled an act to incorporate the Sandersville Hotel Company, which was read the first time.

Mr. Shropshire reported a bill to be entitled an act to compel Executors, Administrators and Guardians, and all other persons that take notes with security to have them renewed within twelve months after they become due, or to bring suit within three months thereafter, which was read the first time.

Mr. Smith reported a bill to be entitled an act to change and organize the several Congressional Districts of this State therein named.

Mr. Sumner reported a bill to be entitled an act to authorize John B. Woodard of the county of Emanuel to peddle in this State without paying for the privilege so to do, which was read the first time.

Mr. Swinney reported a bill to be entitled an act to repeal an act entitled an act to alter, change and abolish certain election precincts therein mentioned, approved February 11th, 1854, as relates to the establishing an election precinct at Poplar Springs in the county of Kinchafoonee, which was read the first time.

The resolution introduced by Mr. Harris of Worth in relation to the refunding certain monies to John S. Denmark, Tax Collector of Bulloch county, was then taken up.

Mr. Cone of Bulloch moved to amend by adding the words "and that the Treasurer pay the above amount to

Wm. H. McLean, Representative from Bulloch county; which was agreed to.

Mr. Pope moved to lay the resolution on the table which motion was lost.

The resolution, as amended, was agreed to.

On motion of Mr. Cone of Greene one hundred and twenty-five copies of the bill in relation to the rights of married women, were ordered to be printed.

On motion, Messrs. Miller and Peeples were added to the Committee on Judiciary.

On motion of Mr. Peeples, the Senator from Glynn was excused from the Committee on Printing, and added to the Committee on Public Education, and the Senator from Randolph was excused from the Committee on Public Education and added to the Committee on Printing.

On motion of Mr. Miller the bill for the pardon of John T. Boyd was made the special order of Saturday next.

Leave of absence, for a few days, was granted to Messrs. Screven, Baxter and Moore of Lincoln.

On motion of Mr. Rudisill, the rules were suspended, and the Senate took up for a second reading the following bill from the House of Representatives, to wit: A bill to be entitled an act to authorize the Justices of the Inferior Court of Washington county to revise their Jury Box, and for other purposes.

On motion of Mr. Harris of Worth the Senate then adjourned till 10 o'clock to-morrow morning.

SATURDAY, NOVEMBER 17th, 1855.

The Senate met pursuant to adjournment.

Leave of absence was granted, for a few days, to Messrs. Poole, Carlton, Ragan and Scott.

Mr. Camden reported a bill to be entitled an act to incorporate the Canton Mining Company of Georgia, which was read the first time.

Mr. Dunnagan offered the following resolution, to wit:

Resolved, That the President of the Senate appoint the following additional Standing Committees, to wit: On New Counties, On changing names and making Heirs at Law, and on Election Precincts.

Mr. Guerry reported a bill to be entitled an act to lay out and organize a new county from the counties of Lee and Randolph. which was read the first time.

Mr. Hamilton reported a bill to be entitled an act to establish an election precinct at the house of John Wade in

the fourteenth District of the county of Dooly, which was read the first time.

Mr. McDonald reported a bill to be entitled an act to incorporate the Waresboro Camp Ground, and to appoint Trustees for the same, which was read the first time.

Mr. Patterson of Gilmer, reported a bill to be entitled an act to authorize and require the Tax Collector of Gilmer county for the years 1856 and 1857 to pay over the State Tax to the County Treasurer of said county to be applied as therein directed, which was read the first time.

Mr. Pope reported a bill to be entitled an act to alter and amend the 12th Section of the 2nd Article, and the 1st Section of the 3rd Article of the Constitution of this State, so as to give the election of Judges of the Supreme Court, Secretary of State, Treasurer and Surveyor General to the people, which was read the first time.

Mr. Spalding reported a bill to be entitled an act to sell the Western & Atlantic Railroad, and to create an Internal Improvement Fund, which was read the first time.

On motion of Mr. Miller one hundred and twenty-five copies of the same were ordered to be printed.

Mr. Ware offered the following resolution, to wit:

Resolved, That his Excellency the Governor of this State be and he is hereby authorized to cause to be forwarded to the Justices of the Inferior Court of the county of Polk, four copies of Cobb's Analysis and Forms for the use of said county.

Leave of absence was granted to Mr. Chastian on account of sickness.

The Senate then, on motion, proceeded to take up the special order of the day, which was the consideration of the report of the Committee of the Whole upon the bill to pardon John T. Boyd of the county of Muscogee, now under sentence of death for the crime of murder.

The report was agreed to.

The bill was read the third time, and on the question, shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 71, nay 18.

Those voting in the affirmative are Messrs. Adams, Atkinson, Beall, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Dunnagan, Dupree, Gordon, Grant, Griffin, Guerrey, Hamilton, Harris of Worth, Hays, Head, Howell, Jamison, Jeter, King, Knight, Lawson of Houston, Long, Lott, Maddux, Marshall, Mathews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Morris, Murphy, Newton, Patterson of Gilmer, Patterson of Jefferson, Ponder, Pope, Reddish, Riley, Roddenberry, Rudisill, Sapp,

Shropshire, Spalding, Strickland, Studstill, Swiney, Ware, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Cannon, Fambro, Hill, Moody, Moreland, Murray, Paulk, Renfro, Robinson, Simms, Sumner, Turner, Wales, Welborn and Whitaker.

So the bill was passed.

On motion of Mr. Rudisill the rules were suspended, and the Senate proceeded to the consideration of the report of committee upon a bill from the House of Representatives, to be entitled an act to authorize the Justices of the Inferior Court of Washington county to revise the Jury Box, and for other purposes.

The report was agreed to.

The bill was read the third time and passed, under the title thereof.

On motion the Senate adjourned till Monday morning at 10 o'clock.

MONDAY. NOVEMBER 19th, 1855.

The Senate met pursuant to adjournment.

Mr. Bullups reported a bill to be entitled an act to prevent counsel from presiding as Judges in cases in which they had been consulted and employed before their election, and to provide for the trial of such cases, which was read the first time.

Mr. Buchanan reported a bill to be entitled an act to expedite suits of Law and Equity in certain cases, and for other purposes, which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to give endorsers the control of fias in all cases in which they may have paid them off against their principal, or any prior endorsers, which was read the first time. Also,

A bill to be entitled an act to curtail the labor in taking cases to the Supreme Court by Writ of Error, which was read the first time.

Mr. Cone of Greene, reported a bill to be entitled an act to alter and amend the first Section of the third Article of the Constitution of this State, which was read the first time.

On motion of Mr. McMillan, one hundred and twenty-five copies of the same were ordered to be printed.

Mr. Fambro reported a bill to be entitled an act to enforce all contracts for interest on money where the same is specified in said written contract, which was read the first time.

Also, a resolution, to wit :

Resolved by the Senate and House of Representatives of the

State of Georgia in General Assembly met, That the Joint Standing Committee on the Penitentiary do enquire into the expediency of removing the locality of said Institution to some convenient point at or near the Stone Mountain in De Kalb county in this State, and report to the Senatorial branch of the General Assembly, at as early a day as practicable, by bill, or otherwise.

On motion of Mr. Fambro the same was taken up read and agreed to.

Mr. Hamilton reported a bill to be entitled an act to alter and change the names of Sarah Catharine Simmons and John Jackson Simmons of the county of Dooly, to the names of Sarah Catharine Pitts and John Jackson Pitts, and to legitimize the same, and enable them to inherit from their reputed father, Hardy Pitts, of said Dooly county, which was read the first time.

Mr. Hardeman reported a bill to incorporate Maco~~on~~ Hook and Ladder Company, number one, and to confer upon them certain privileges and exemptions, which was read the first time. Also,

A bill to be entitled an act to alter and amend the fifth section of an act incorporating the Trustees of the Southern Botanical College, approved Dec. 11, 1839, which was read the first time.

Mr. Jeter reported a bill to be entitled an act to add a part of Taylor county to Marion county, and for other purposes therein mentioned, which was read the first time.

Mr. Jeter also offered the following resolution, to wit:

Resolved, That the Senate will hereafter entertain no bill proposing legislation upon subjects over which the Superior and Inferior Courts of the several counties of this State have legislative jurisdiction.

Mr. Lawton offered the following resolution, to wit:

Resolved, That the President of the Senate appoint a committee of one member from each Judicial Circuit in the State, who shall investigate the question of the labors of the Judges of the Superior Courts in the various Circuits, and report by bill, or otherwise, as to whether an increase of the number of Circuits would be beneficial to the public interest; and, also, what changes may be made, so as to equalize the labors of Judges.

On motion the rules were suspended, and the same was taken up, read and agreed to.

Mr. McGuire presented a petition from the Mayor and Council of the city of Rome, which was, on motion, referred to a committee of five.

The committee appointed by the Chair are Messrs. McGuire, Cannon, Buchanan, Wales and Renfroe.

The following message was received from the House of Representatives, by Mr. Hunt, their Clerk, pro tem:

Mr. President :—I am directed by the House of Representatives to inform the Senate that leave of absence until 3 o'clock, P. M., of Tuesday next, having been granted to Mr. Speer, their Clerk, Mr. W. H. Hunt has been appointed Clerk, pro tem.

Mr. Moreland reported a bill to be entitled an act to authorize and require the Ordinary of Heard county to pay to Timothy Pittman to Miss M. T. Pittman and to Miss C. A. Mercer such amounts of money as are due them for teaching poor children in said county. during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, which was read the first time.

Mr. Patterson of Jefferson presented a memorial from the citizens of Jefferson and adjoining counties, for the formation of a new county, which was referred to the Committee on Petitions.

The following message was received from the House of Representatives, by Mr. Hunt, their Clerk, pro tem.:

Mr. President :—I am directed by the House of Representatives to inform the Senate that they have passed the following bills, to wit:

A bill to be entitled an act to establish and incorporate a Medical College in the city of Savannah to be called the Oglethorpe Medical College.

A bill to be entitled an act for the relief of Francis Pousell an infirm and indigent person.

A bill to be entitled an act to authorize the Judges of the Inferior Courts of the counties of Liberty and McIntosh to appoint a competent Surveyor from their respective counties to properly run out, and define, the dividing line between said counties.

A bill to be entitled an act to change the time of holding the Inferior Court in the county of DeKalb, and for other purposes therein mentioned.

A bill to be entitled an act to authorize the Justices of the Inferior Courts of this State upon the recommendations of the Grand Juries thereof to assess and collect a tax for the payment of Grand and Petit Jurors, or Grand or Petit Jurors, and at their pleasure to discontinue, and again to reassess the same, upon said recommendation.

A bill to be entitled an act to repeal the third section of an act entitled an act to make permanent the site of the public buildings, in the county of Emanuel, at the town of Swainsboro and to incorporate and appoint Commissioners for the same, and to change the name of Swainsboro to that of Paris, approved February 18th, 1854.

Mr. Peoples reported a bill to be entitled an act to amend the charter of the Southern Mutual Insurance Company which was read the first time.

Mr. Simms reported a bill to be entitled an act to provide

for, and prescribe the mode of taking the testimony of witnesses *de bene esse* in cases where the matter of controversy is not pending in any Court. Also,

A bill to be entitled an act to create and lay off a new Judicial Circuit to be called the Lumpkin Circuit, which was read the first time.

Mr. Screven reported a bill to be entitled an act to incorporate the Oglethorpe Light Infantry of Savannah, which was read the first time.

Mr. Welborn reported a bill to be entitled an act to authorize the Judge of the Superior Court of the county of Whitfield to draw two Panels of Grand and Petit Jurors for said county, which was read the first time.

The regular order of the day having been gone through with, Mr. Dunnagan moved to take up a resolution offered by him, to wit :

Resolved, That the President of the Senate appoint the following additional Standing Committees, to wit: On New Counties, On changing the names and making Heirs at Law, and, On Election Precincts, which was read and agreed to.

On motion of Mr. Wales, the following resolution was taken up, read and agreed, to wit :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of abolishing the laws against Usury in this State or the expediency of a modification of the same, and that said committee report by bill, or otherwise, at their earliest convenience.

On motion of Mr. Wales, the resolution in relation to having the National flag raised over the Senate Chamber was taken up.

Mr. Wales moved to strike out the words "National flag," and insert in lieu thereof, "the Coat of Arms of the State of Georgia," which was lost.

The resolution was then agreed to.

Leave of absence was granted to Mr. Miller for a few days.

On motion of Mr. Buchanan the resolution in relation to the respite of Jacob Mercer, was taken up:

Mr. Hardeman moved to strike out the words, "his reasons for the respite of the sentence of Jacob Mercer, which was agreed to.

On motion of Mr. Buchanan the resolution was laid upon the table.

The Senate took up the report of the Committee of the Whole upon the bill to repeal an act in relation to Frauds and Perjuries, approved February 20th, 1854; which on motion was re-committed and referred to the Judiciary Committee.

The Senate took up the report of the Committee of the

Whole upon the bill altering and amending the first Section of the third Article of the Constitution, which was, on motion, re-committed, and referred to the Judiciary Committee.

The Senate took up the report of the Committee of the Whole upon a bill altering and amending the 3d, 4th, 7th and 12th Sections of the first Article of the Constitution, which was, on motion, re-committed and referred to the Judiciary Committee.

The President announced the following as the Committee on the formation of new Judicial Circuits, to wit:

From the Eastern Circuit—Mr. Long. Chattahoochee Circuit—Mr. Wales. South-Western Circuit—Mr. Lawton. Coweta Circuit—Mr. Moreland. Blue Ridge Circuit—Mr. Moore of Cobb. Cherokee Circuit—Mr. Cannon. Western Circuit—Mr. Peeples. Northern Circuit—Mr. Baxter. Middle Circuit—Mr. Miller. Ocmulgee Circuit—Mr. Wingfield. Macon Circuit—Mr. Harris of Worth. Southern Circuit—Mr. Wright.

The Senate took up the report of the Committee of the Whole upon a bill creating Pataula Circuit, which on motion was re-committed and referred to the committee on Judicial Circuits.

The Senate took up the report of the Committee of the Whole upon the bill to incorporate a Bank in the town of Athens to be called the Bank of Athens.

On motion of Mr. Hardeman the same was taken up and read by sections.

Mr. Camden moved to strike out from the 1st Section the words "eighteen hundred and ninety-five," and insert "eighteen hundred and eighty-five," which was agreed to.

Mr. Dunnagan moved to amend the 10th section by adding the following words: "actually paid into the Bank in gold and silver coin," which was agreed to.

Mr. Baxter moved to amend by making the following an additional section:

"And be it further enacted, That said Bank shall be liable to pay 25 per cent. per annum upon the amount of all notes not redeemed on demand in gold or silver coin."

Pending the discussion thereon, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Cone of Bulloch Messrs. Winn and Spalding were added to the Committee on the Military.

On motion of Mr. Long, Mr. McMillan was added to the select committee on new Judicial Circuits.

The Senate took up the unfinished business of the morning, which was the consideration of the additional section offered by Mr. Baxter.

Mr. Cone of Greeae offered the following as an amendment to the additional section, to wit .

If said Bank shall at any time fail or refuse to redeem any of its notes on demand or pay any other of its debts when due and payment demanded, it shall be lawful for the holder of such bills or creditors of said Bank as aforesaid, immediately to bring suit against said Bank, and there shall be judgment against said Bank at the first term of the Court to which said suits are returnable, unless the President or Cashier of said Bank will swear that the Bank has a substantial defence to said suit, and that said Bank is less prepared for trial than it will be at the next term of said Court.

And when judgment shall be rendered against said Bank, execution shall issue against the property of the Bank and against the property of the Stockholders, who were such at the time the bills were issued, which execution shall be first levied on the property of the Bank, but if no property of the Bank can be found, the Sheriff shall make an entry on the execution to that effect, and it shall be his duty forthwith to levy said execution upon the individual property of any of the Stockholders, and so proceed until said execution is satisfied.

Mr. Murphy moved to divide the question, and the motion was lost.

Mr. Cone of Greene offered his amendment as an additional section.

Mr. Calhoun offered the following as a substitute for the same, to wit :

"And be it further enacted by the authority aforesaid, That no one shall subscribe for, or purchase stock in said Bank, unless he or she be a citizen of Georgia, and that if any Stockholder in the same shall remove from said State, his or her stock shall be forfeited, and shall vest in said Bank, and that the private or individual property of each Stockholder, as well as their joint property shall be liable for the redemption of the bills of said Bank, and for the payment of all the debts and liabilities of the same, and when any judgment shall be obtained against said Bank, and execution issued thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same and if the proceeds thereof shall be insufficient to pay off said execution, and the return of said officer of 'no corporate property' shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any Stockholder or Stockholders and sell the same until an amount is raised sufficient to pay off said execution, provided, the same is

not for a greater amount than the value of the stock of the Stockholder whose property is levied upon, and if for a greater amount, and in that case an amount equal to the amount of his stock, and judgment obtained against said Bank by any creditor shall not only bind the property of said Bank, but shall also bind the individual property of each Stockholder, to the amount of his stock without the necessity of bringing any suit against the Stockholders, and service of a copy in substance of the declaration and process upon the President or Cashier of said Bank shall be adjudged sufficient service, and notice both of said Bank and of each Stockholder therein to render the property of said Bank, and the individual property of each Stockholder therein subject and liable for the payment of any judgment which may be rendered against said Bank, each Stockholder only to be liable to the amount of his stock, and any Stockholder who has paid any such judgment shall be entitled to sue the other Stockholders for contribution.

Mr. Cone of Greene offered the following as an amendment to the same, to wit :

That it shall not be lawful for any of the Stockholders of said Bank to transfer any of said stock to any person not a citizen and resident of this State, any if any stock shall be so transferred, the same shall be forfeited to the State, and the same shall be transferred on the books of said Bank to the State by the officer of said Bank authorized to make transfers of stock upon satisfactory proof that such stock has been so transferred to any person not a citizen or resident of this State.

Pending the discussion thereon the Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY, NOVEMBER 20th, 1855.

The Senate met pursuant to adjournment.

Mr. Fambro moved to reconsider so much of the Journal of yesterday as relates to a resolution as to the expediency of removing the Georgia Penitentiary; which motion was agreed to.

On motion of Mr. Cone of Greene, so much of the Journal of yesterday as relates to the action of the Senate on a bill to alter and amend the 3d, 4th, 7th and 12th sections of the first article of the Constitution, was reconsidered.

The President announced the following as the Committee on "New Counties" appointed under the resolution agreed to on yesterday, to-wit:

Messrs. Wales, Gibson, Calhoun, Murphy, King, Harris of Worth, Atkinson and Grant.

Mr. Baxter offered the following resolution, to-wit :

Resolved, That the following be adopted as one of the standing rules of the Senate : That no bill or resolution shall be reconsidered, unless by a vote of two-thirds of the Senators present, except bills to pardon persons convicted of capital offences."

Mr. Brown of Baldwin offered the following resolution, to-wit :

Resolved, That that portion of the Governor's message, referring to the seat of government, be referred to a select committee of five, to be appointed by the Chair and that they join such committee as may be appointed by the House, and report thereon as early as practicable.

On motion, leave of absence for a few days was granted to Mr. Brice.

Mr. Gibson from the Judiciary Committee, made the following report :

The Judiciary Committee have had under consideration, and report back to the Senate a bill to be entitled an act limiting the time in which suits in the courts of law in this State, must be brought, and also the time in which judgments are to be found and prosecuted in certain cases, and for other purposes therein mentioned, and recommend that the same be passed. Also, without amendment, a bill to define the liability of Rail-roads for injury to persons or property, and to prescribe how suits shall be instituted and served; and that the same be passed. Also, a bill to carry into effect the third item of the last will and testament of George W. Waters, deceased; and recommend that the same be passed.

Mr. Harris of Worth reported a bill to be entitled an act to alter and change the name of Seth Stevens Rents of the county of Baker, to that of Seth Stevens Rowell, and legitimize the same; which was read the first time.

Mr. Moore of Cobb reported a bill to be entitled an act to authorize John W. Grantham to peddle and vend goods, wares and merchandise, in the counties of Cobb, Cass, Cherokee and Paulding, without taking out license; which was read the first time. Also,

A bill to be entitled an act to alter and amend an act entitled an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices' Courts, approved December 14th, 1811; which was read the first time. Also,

A bill to be entitled an act to create a new circuit, to be taken from the Blue Ridge and Coweta circuits; which was read the first time.

Mr. Paulk reported a bill to be entitled an act to repeal all laws consolidating offices of Receiver of Tax Returns

and Tax Collector in the county of Irwin; which was read the first time.

Mr. Moreland reported a bill to be entitled an act to regulate the peddling on clocks in this State; which was read the first time.

Mr. Nichols reported a bill to be entitled an act to prevent the sale or gratuitous distribution of spirituous liquors within five miles of the court house and election precincts during the session of the Superior and Inferior Courts, on elections; which was read the first time.

Mr. Renfro reported a bill to be entitled an act to prohibit the payment of storage on cotton in the city of Columbus, by farmers, after selling from their wagons; which was read the first time.

Mr. Sims reported a bill to be entitled an act to prescribe the mode of taxing costs in the Supreme Courts of this State; which was read the first time.

Also, a bill to be entitled an act for the relief of Wm. A. Clements of Stewart county; which was read the first time.

Mr. Swinney offered the following resolution, to-wit :

Resolved by the Senate and House of Representatives in General Assembly met, That our Senators and Representatives in Congress from this State, are hereby requested to use their best efforts to have a mail route established for a tri-weekly mail from Americus, Georgia, via Plains of Dura, McIntosh, Richland, Lumpkin and Bladen Creek, to Eufaula, Alabama; said mail to be carried in two horse hacks.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the bill with amendments, to incorporate a bank in the town of Athens.

Mr. Cone of Greene offered the following as an amendment to his original amendment, to-wit :

“As between the Stockholders themselves, they shall be bound for the redemption of the bills, and the payment of the debts of the bank rateably and in proportion to the amount of stock owned by each and if any stockholder shall be compelled to pay, or shall pay more than his proportionate part of any debt or debts, he shall have the right to compel contribution from the other stockholders.

On motion of Mr. Peeples, the bill and amendments were re-committed and referred to the Committee on Banks.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President: The House of Representatives have passed the following bills, to-wit

A bill to be entitled an act to authorize the Justices of the Inferior Court of the county of Gwinnett to levy an extra tax to pay for the erection of a new Court House in said county.

A bill to be entitled an act for the relief of James Wright,

Jr., Jefferson Wright and others, securities of Stephen Wright, formerly Tax Collector of Putnam county, from the payment of twenty per centum interest per annum, on an execution issued by the Comptroller General of this State, against the said Stephen Wright, Tax Collector as aforesaid, and said James Wright, Jr., and others, securities of the same, on the first day of October, 1855; and for other purposes therein mentioned.

A bill to be entitled an act to authorize and direct his Excellency the Governor of Georgia, to draw his warrant on any funds in the State Treasury, for the payment of the principal, interest and cost of a judgment in Baldwin Superior Court, in favor of A. P. Rood, administrator of Mrs. Blanche Gibson, versus the Central Bank of Georgia, and for other purposes therein named.

A bill to be entitled an act to incorporate St. John the Baptist Lodge, No. 104, of Free and Accepted Masons.

A bill to be entitled an act to amend the road laws of this State, so far as relates to the county of Glynn.

Also, a bill to be entitled an act to authorise the Justices of the Inferior Courts of the counties of Liberty and Bryan, to appoint a competent surveyor from their respective counties, to properly run out and clearly define the dividing line between said counties.

The House have also concurred in the resolution of the Senate in relation to the making the standing committee appointed on the part of the Senate and House, in reference to the Penitentiary, a Joint Standing Committee.

They have also concurred in a resolution of the Senate, bringing on certain elections on this day.

The following message was this day received from the Governor, through Mr. deGraffenried, his Secretary:

Mr. President: I am directed by the Governor, to deliver to the Senate, a communication in writing:

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., Nov. 20th, 1855. }

To the Senate and House of Representatives:

The State of Alabama has filed a bill in the Supreme Court of the United States, against the State of Georgia, to settle the boundary line between the two States, on the western side of the Chattahoochee river. I have received and acknowledged service thereof, a written notice by Edward L. Dargan and James E. Belser, the counsel for the complainants, that on Friday, the 14th of December next, in open court, a motion will be made on behalf of the State of Alabama, for process to issue on the said bill against the State of Georgia. I ask the attention of the Legislature to this suit, that they may direct me as to its defence, and appropriate money for the employment of the counsel.

HERSCHEL V JOHNSON

On motion of Mr. Buchanan, the message from his Excellency the Governor, was taken up and referred to the Committee on the State of the Republic.

The following message was received from His Excellency the Governor. by Mr. deGraffenried, his Secretary :

Mr. President: The Governor has signed the Joint Resolution of the General Assembly, bringing on the election of a Director of the State Bank, and a Judge of the Supreme Court this day.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President: I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Chamber for the purpose of proceeding with certain elections, set apart by joint resolution for this day.

Leave of absence was granted for a few days to Mr. Avery.

On motion, the Senate repaired to the Representative Chamber, and after being seated, the General Assembly proceeded to the election of a Director of the Bank of the State of Georgia, when on receiving and counting out the ballots, it appeared that W. H. Long was duly elected.

They then proceeded to the election of a Judge of the Supreme Court to fill the term to be created by the expiration of the term of service of the Honorable Ebenezer Starnes, when on receiving and counting out the ballots, it appeared that the Honorable Charles J. McDonald was duly elected.

The Senate then repaired to their Chamber.

On motion the Senate then adjourned till ten o'clock tomorrow morning.

WEDNESDAY, NOVEMBER 21st, 1855.

The Senate met pursuant to adjournment.

Mr. Buchanan reported a bill to be entitled an act for the relief of James Hamby of Walker county, which was read the first time.

Mr. Cone of Bulloch reported a bill to be entitled an act to add an additional section to the tenth division of the Penal Code of the State of Georgia, which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act to compensate the Superintendents of Elections in this State, which was read the first time.

Mr. Hill reported a bill to be entitled an act for the relief

of David A. Walker of the county of Harris, a minor in the twenty-first year of his age, which was read the first time.

Mr. Hines reported a bill to be entitled an act to legalize the past action of the Justices of the Inferior Courts of Bryen, Tattnall, Liberty, McIntosh and Glynn counties, in reference to the granting of Land Warrants under Head Rights, which was read the first time.

Mr. Lawton reported a bill to be entitled an act to grant aid to the Savannah, Albany and Gulf Railroad Company, upon certain conditions, which was read the first time.

On motion of Mr. Grant, one hundred and twenty copies of the same were ordered to be printed.

Mr. McDonald offered the following resolution, to wit:

Resolved, That from and after Thursday the 22nd inst., the regular hour of the meeting of the Senate shall be nine o'clock A. M. and three o'clock, P. M., until otherwise ordered by the Senate.

Mr. Peeples reported a bill to be entitled an act to incorporate the Athens Gas Light Company, which was read the first time.

Mr. Peeples, also, offered the following resolution, to wit:

Resolved, That until otherwise ordered by a vote of two-thirds of the Senate, the Senate shall meet regularly at the hours of 9 1-2 o'clock, A. M., and 3 o'clock, P. M.

Mr. Screven reported a bill to be entitled an act to exempt certain property of the city of Savannah from taxation, which was read the first time.

Mr. Screven also presented a petition of the Trustees of Savannah Medical College, which was read.

Mr. Ware reported a bill to be entitled an act to repeal an act past 27th January, 1852, which was read the first time.

Mr. Whitaker reported a bill to require the State Printing to be done at the Seat of Government, which was read the first time.

Mr. Peeples moved to take up the resolution in relation to the Governor's Biennial Message.

Mr. Hardeman moved to amend the same by adding, "so much as relates to the Blind to the Committee on the Blind Asylum, which was agreed to.

The resolution as amended was adopted.

Mr. Cone of Greene moved to take up a bill to alter and amend the 3d, 4th, 7th and 12th Sections of the 1st Article of the Constitution, and make the same the special order for Wednesday, December 5th, which was agreed to.

Mr. Screven from the Committee on Internal Improvements made the following report:

The Committee on Internal Improvements to whom was referred a bill to be entitled an act to authorize the Gainesville and Chattahoochee Ridge Railroad Companies to consolidate

their Charters, and make them uniform and to increase and fix the amount of their capital, report the same without amendment and recommend its passage, provided the charters of said Road have not expired.

On motion of Mr. Murphy the rules were suspended, and the following bills from the House of Representatives were read the first time, to wit :

A bill to be entitled an act to change the time of holding the Inferior Court in the county of DeKalb, and for other purposes therein mentioned.

A bill to authorize the State Treasurer to make certain advances.

On motion of Mr. Jeter, the following resolution was taken up, to wit :

Resolved, That the Senate will hereafter entertain no bill proposing legislation upon subjects over which the Superior and Inferior Courts of the several counties of this State have legislative jurisdiction.

Mr. Cone of Greene offered the following amendment, to wit :

That in all cases where the right to create corporations is vested in the Courts of this State, the Senate will entertain no bills on those subjects.

On motion of Mr. Pope the resolution and amendment was laid on the table.

Mr. Peeples moved to take up the resolution in relation to the hours of meeting of the Senate.

Mr. Cone of Greene moved to lay the same upon the table.

Whereupon the yeas and nays were required to be recorded and are yeas 64, nays 27.

Those voting in the affirmative are Messrs. Adams, Ashe, Beall, Beasley, Billups, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Dupree, Griffin, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Hays, Head, Hill, Howell, Jamison, Jeter, King, Knight, Lawson of Houston, Lawton, Long, Lott, Matthews, McMillan, Moody, Moore of Cobb, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Pope, Riley, Robinson, Roddenberry, Rudisill, Sapp, Simms, Spalding, Studstill, Sumner, Ware, Welborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Allred, Baxter, Bloodworth, Calhoun, Camden, Colbert, Dabney, Fambro, Gibson, Grant, Maddux, Marshall, McCrimmon, McDonald, McGuire, Moreland, Morris, Paulk, Peeples, Renfro, Shropshire, Scott, Screven, Strickland, Turner, Wales and Wynn.

So the motion to lay the resolution on the table prevailed.

Mr. Brown of Baldwin moved to take up the resolution introduced on yesterday to refer that portion of the Governor's Message in relation to the Seat of Government, to a select committee of five, which was agreed to.

The resolution was adopted.

On motion of Mr. Guerrey the bill for the pardon of Jacob Mercer was made the special order of the day for Friday next.

Leave of absence was granted to Messrs. Atkinson, Pope, Fambro and Long.

The Senate proceeded to take up the regular order of the day, which was the consideration of the Report of the Committee of the Whole on the bill to be entitled an act to repeal the Proviso of an act entitled an act to define the liability of endorsers of promissory notes and other instruments, and to place them upon the same footing with securities, approved December 26th, 1826, which provides, that nothing herein contained shall extend to any promissory notes which shall be given for the purpose of negotiation or intended to be negotiated at any chartered bank, or which may be deposited in any chartered bank for collection, and for other purposes.

On motion the same was re-committed and referred to the Judiciary Committee.

The Senate took up the report of the committee on, "a bill to be entitled an act to add a part of the county of Ware to county of Chilton."

The report of the committee was agreed to.

The bill was read the third time and passed under the title thereof.

The Senate took up the report of the committee on, "A bill to be entitled an act to amend an act to incorporate the Brunswick Improvement Company passed February 9th, 1854."

The report was agreed to.

The bill was read the third time, and passed under the title thereof.

The Senate took up the report of the committee on "A bill to be entitled an act to fix the dignity and prescribe the order in which debts due by deceased persons shall be paid."

Mr. Baxter moved to strike out the 6th item of the 1st Section, which was lost.

Mr. Gibson offered the following amendment to the fifth item of the first Section, to wit: "next bonds and all other contracts in writing, and lastly debts due on open account, and that all debts of an equal nature shall be discharged by said Executor or Executors, Administrator or Administrators in average and proportion, as far as the assets of the decedent shall extend, and that no preference shall be given amongst the creditors in equal degree."

Pending the discussion thereon the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate proceeded to take up the unfinished business of the morning, which was the consideration of the report of the Committee of the Whole on a bill to prescribe the dignity and fix the order in which the debts due by deceased persons are to be paid.

Mr. Lawton moved to recommit the same with amendments which was lost.

Mr. Lawton moved to suspend the order and proceed to the reading of bills for a second time, which was lost.

The following message was received this day from the Governor through Mr. de Graffenried his Secretary :

Mr. President: I am directed by the Governor to deliver to the Senate, a communication, in writing, with accompanying documents.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., November 21st, 1855. }

To the Senate and House of Representatives :

I herewith transmit the report of the Board of Visitors of the Georgia Military Institute, at Marietta.

As germane to the subject, I avail myself of the occasion, to recommend the Legislature to dispense with the Arsenal at the Capital and at Savannah and to place the State arms and ammunition in the custody of the Institute. It is believed that the proceeds of the sale of the Arsenal Lot in Savannah, will be sufficient to erect a suitable building for the purpose. The Institute is located near the Western & Atlantic Railroad, so that the arms may be distributed, as they may be required, with great facility and dispatch. The aggregate salaries now allowed to the Keepers of the two Arsenals will amply compensate the head officer of the Institute, for his services in keeping the Arms in order. Such disposition of the State Arms will give to the Cadets useful employment in learning thoroughly the art of cleaning and burnishing the weapons of war. And last, though not least, the fact of so important a public trust being confided to them, will enhance the pride and spirit, so indispensable to the successful pursuit of Military education. Viewing the subject in the light of these suggestions, it is believed that the adoption of this recommendation, while it will secure the better keeping of the State Arms, without any increase of expense, in this branch of the public service, will also give encouragement to an Institution, which I cordially commend to the fostering care of the Legislature, at its present session.

HERSCHEL V. JOHNSON.

TO HIS EXCELLENCY HERSCHEL V JOHNSON,

Governor of Georgia.

SIR:—In accordance with the provisions of law, the Board of Visitors to the Georgia Military Institute, have the honor to submit to your Excellency, their report on the condition of the Institution.

Since the organization of the Board under the act of the 21st of January, 1852, *twenty-four* Cadets have been appointed to the Institute, as required by the provisions of that act. Of this number two have been graduated, one of them the *first*, the other the third in their respective classes. One vacated the appointment by removal from the State, one declined the appointment, one under the requirement of the law has been transferred to the roll of pay Cadets; two have been discharged; seven have been permitted to resign after having remained some time at the Institution; nine retain their appointments, and there is at present one vacancy from the sixth Congressional District. The large number of resignations is due mainly to the high standard of attainment, as well of mental qualification indispensable to maintain themselves with credit at the Institution, and perhaps in some degree to the strict enforcement of the rigid military discipline required by the board. Indeed the evasion of the wise provisions of the act on this account rendered necessary the adoption of a regulation, that in future no State Cadet should be permitted to resign without the consent of the Board of Visitors.

Great difficulty has been experienced by the Board, in filling the vacancies occurring in the list of State Cadets, from the want of application in the particular parts of each district as required by the provisions of the act. The Board is directed to select in the proportion of one from each Congressional District of the State and two from the State at large: Provided, the Cadets shall be taken from each county in the Congressional District, until all have sent one. In the event any of said Districts should fail to offer an applicant, or from reasonable objections, to be judged of by said Board of Visitors, the said Board after giving due notice of such deficiency, shall proceed to fill the vacancy or vacancies, with proper applicants from any of the other districts. It has sometimes happened that the vacancy occurred during the term; and from the nature of the studies pursued, and the method of instruction adopted in the institution, it was found impossible to fill the place, and enable the Cadet appointed to keep pace with his class: and sometimes no applications at all, after repeated advertisement, from the particular district in which the vacancy occurred. Under these circumstances, the Board felt themselves compelled to select from among the deserving members of the classes, already at the Institution, who come within the requirements

of the act. In the instances where this occurred, the Board have the high gratification of saying, that they were enabled to secure for the State, a development of intellectual capacity, which from untoward circumstances, might otherwise have been forever lost. The abstract appended to this report, will present this whole matter at a glance, together with the standing and proficiency of the Cadets while at the institution.

The vacancy in the Academic Staff occasioned by the resignation of Major Derby, was filled by the Board of Trustees, in the appointment of Captain Samuel Jones, of the 1st regiment of U. S. artillery, then on leave of absence from his post in the service. An unfortunate misapprehension as to the duration of his leave, rendered necessary an application to the Secretary of War, for a sufficient extension to allow his recall to coincide with the close of the year; but the exigencies of the the service, only permitted the War Department, to add two months extension, which enabled him to remain in the Institution until after the annual examination had taken place. The high state of discipline, as well as efficiency in drill, both infantry and artillery, during his stay, can only be appreciated by those who had an opportunity of witnessing the movements of the Corps of Cadets, under the command of this highly skillful and accomplished officer. We are gratified, however, in being able to state to your Excellency, that on the return of Captain Jones to his duties in the army, the Board of Trustees were fortunate enough to secure the services in this important post, of Brevet Captain Thomas R. McConnel, late of the 4th regiment of United States Infantry, who was appointed to the Military Academy at West Point, from the county of Liberty in this State. The arms now in possession of the Institute, consist of one hundred and forty Cadet muskets, with accoutrements, twenty-eight non-commissioned officers swords, ten cavalry sabres and belts, a light battery of field artillery, consisting of four brass six pounders, and two twelve pound bronze howitzers, cast expressly for the Institute, with bridles and drag ropes.

At the annual examination in July last, they were inspected by the Board, and were found to be in excellent order, ordinary wear and expenditure in service excepted. The hospital arrangements of the Institution, have been considerably improved, but the accommodations for the Cadets in the way of barracks, and recitation rooms, ought to be still further extended. An arsenal and gun house is very much needed. At present, the buildings can hardly be considered convenient for the accommodation of more than one hundred Cadets, though about one hundred and thirty might be provided for. This is not sufficient for the applications that would be made, could a larger number of Cadets be re-

ceived. There are now present in the institution ninety seven Cadets.

This state of things must necessarily continue so long as the Institution remains dependent on the precarious profits of a private establishment. We cannot represent too strongly to your Excellency, the paramount importance to the State, of possessing within its own borders a School of a character, fully equal to the confessedly high position of the Military Academy at West Point; one that shall educate the sons of her citizens for Engineers Superintendents of Machinery, Civil and Military Architects, as well as Officers, to direct and render efficient the bravery of her troops, in times of peril or threatened danger. Could the details of a Military education be adequately impressed upon our people, with a united voice, they would recognize the indispensable necessity, that the State alone should control an institution of so eminently practical a character. The wisdom of this suggestion commends itself, on the score of economy, to the mere utilitarian, by the reflection that the Military equipment of the Institute is nearly equal to one third the cash value of all the real property belonging to the Institute. It is a great mistake (unfortunately too prevalent however) to believe that a Military education is solely confined to the display of parade evolutions of well dressed soldiers, or the show and glitter of plumes and lace. Its superiority over other systems of education has been too often proved to admit of debate. True, it does not necessarily make a scholar, but it makes a man, and a useful one. We do not desire to be considered as deriding or undervaluing in the least a College education, but we cannot resist the conviction, that the times demand that our rising youth should be something more than mere scholars. The scholar may be perfectly conversant with the Greek and Roman military systems—may be fully able to explain how the disastrous defeat of the Carthaginian forces at Elinga was achieved by Scipio's Roman legions, or detail the evolutions which accomplished the masterly retreat of Julius Cæsar at Ruspina to his camp, from before the victorious hordes of the barbarious Numidians; and yet, when required "to set a squadron in the field" at his country's call, and protect her towns and cities from hostile demonstration, by the ingenious resources of engineering skill, will find to his dismay, that although Greek and Latin may suffice for the pulpit or the bar, something more is requisite for the Soldier. The mere scholar may be thoroughly instructed, and doubtless is, in the composition of the cohort, the manipule and the contubernium, but utterly ignorant of the tactical movement of a Company, Regiment or Brigade. Klisis, Metabole and Epistrophe may be familiar to his ears as household words, and yet if called on in the field to change the front of a Reg-

mental line of battle, or ploy it into column, he will find it quite as difficult as squaring of the circle.

A military education is purely and thoroughly scientific. The precise application of mathematical knowledge is just as valuable in the building of a house as in the construction of a fort. The same elementary principles which made the huge Malakoff the charnel-house of thousands, and pointed the Redan among the wonderful defences of Sevastopol, whose earthen faces time and again rolled back the battle's desperate tide, will heave the lofty viaduct in air, and guide the the rail road's devious track from the peaceful fields of agriculture to the depots of the world. Yet an education capable of affording results like these (if it be attained at all) our sons must seek, not at home, but from the grudging hands of an insulting sectionalism, and in a hostile portion of our common land.

We presume that these things have already suggested themselves to your Excellency's mind, but we trust that we may be pardoned the effort, in discharging the duty required of us by law, to awake a legislative liberality, that shall place the Georgia Military Institute among the cherished institutions of our State, and make it, as it ought to be, *the Military Academy of the South.*

We have the honor to be,

Respectfully your Excellency's ob't serv'ts,

WM. S. ROCKWELL,

Cap't. Baldwin Blues.

JOHN W. ANDERSON,

Cap't. Savannah Republican Blues.

P. H. COLQUITT,

Capt. Columbus City Light Guards.

B. F. ROSS,

Captain Floyd Rifles.

GEORGE R. JESSUP,

Brig. Gen'l., 1st Brig. 3d Division.

JOHN MILLEDGE,

Colonel of Staff.

ABSTRACT of the Report from the Board of Visitors, to his Excellency the Governor, of the number, standing and proficiency of the several State Cadets who have been appointed to the Georgia Military Institute, from 1st September, 1853, to the 20th July, 1855.

WHENCE APPOINTED.				CLASS—Order of Merit in each Study.														REMARKS.				
NAMES.	State or District.	City or County.	Date of Appointment.	Number of,	Position in,	Engineering,	Moral Philosophy,	Mental Philosophy,	Rhetoric,	Evidence of Christy,	Mineralogy,	Geology,	Natural Philosophy,	Chemistry,	Drawing,	Mathematics,	French,		English,	Conduct,	General Merits,	
7 Wm. T. Black,	5th dist.		June, 1851	3	2	1	5	5	4	3	3	3	1	3	5	5	1	4	3	5	3	3 Graduated 3 July, 1854, Asst. Professor 1854.
3 Thos. J. Carmody,	1st do	Savannah,	13 Mar. 51.	1	8								6	7	6	8	19	1	10	8	Resigned September, 1854.	
4 Theod. T. Fogle,	2d do	Columbus,	29 " "	1	2										4	3	1	4	2	1	1 Grad. head 19th July, '54, Asst. Prof. rank of Capt.	
6 Raleigh S. Camp,	4th do	Cobb county,	4th " "	1	1		1	1	1	1	1	1	1	1	1	2	6	3	1	1	1st Corp. Comp. B. Resigned Dec. '53.	
9 Andrew M. Norris,	6th do	Murray "	20 " "	1	1										9	16	35	6	6	6	Q. M. with rank of Captain.	
11 Joseph C. Eve,	8th do	Augusta,	11 Feb. 52.	1	6								7	6	9	6	16	11	6	1	Transferred to Roll of Pay Cadets, May '55.	
13 Robert Habersham,	7th do	Morgan "	13 July 53.	2																	3d Corp. Comp. A. Resigned September 1854.	
14 T. S. McIntosh,	At large.	Savannah,	29 Aug. "	3												13	20	28			Declined appointment.	
15 Joseph T. Saxton,	3rd dist.	Monroe Co.	29 " "	3	2										3	1	2				2d Corp. Comp. A. Resigned September 1854.	
16 John W. Ansley,*	3rd do	Augusta,	Dec'm'r "	3	2										3	1	2				Resigned February 1853.	
17 Joel R. Griffin,	3rd do	Oglethorpe,	July '54	4	8										1	11	3	1	8		Asst. Cadet Instructor.	
18 W. T. Bryson,	4th do	Dahlonega,	" "	4																		
19 Fran. M. Hopkins,	5th do	Lumpkin Co.	" "	4	14											2	19	19	1	14		
20 C. B. Haskey†	At large.	Cobb	" Feb'y, '55.	2	3								1	2	3	2	2	3	7	3		
21 T. P. Burge,†	7th do	Newton	" July, "	4	27											28	21	16	16	27		
22 A. N. Hines,	2d do	Albany,	" "																			
23 J. W. Colquitt,	4th do	LaGrange,	" "																			
24 Strother,	At large.	Lincoln	" "																			

*There being no application from the district, after repeated advertisement in terms of the law, (the appointment having been declined,) this Cadet was selected from the 4th class to fill the vacancy.

†Cadets at the time of appointment.

On motion of Mr. Spalding, one hundred and twenty copies of the message were ordered to be printed.

Mr. Peebles moved to amend the bill under consideration, by inserting after the words, "expenses of administration," in item 3d, section 1st the words, "rent for the year of decedents death"; which was lost.

Mr. Gibson moved to amend the same by adding the following to the 5th item of the 1st section, to wit :

"Next bonds, and all other contracts in writing, and lastly debts due on open account, and that all debts of an equal nature shall be discharged by said Executor or Executors, Administrator or Administrators, in average and proportion as far as the assets of decedent shall extend, and that no preference shall be given amongst the creditors in equal degree.

Mr. Welborn moved to amend the amendment by adding after the words, "next, bonds and all other contracts in writing," the words, "and all open accounts made during the year decedent dies, and not due at the time of his death," which was lost.

The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to entitle the pilots of bar of Tybee and river Savannah to receive the same rates, or fees, for pilotage, as are now allowed by law at the port of Darien in the county of McIntosh.

On motion of Mr. Screven the same was re-committed and referred to a select committee, consisting of Messrs. Screven, Spalding, Wynn, Hines and Cone of Bulloch.

The Senate took of the report of the Committee of the Whole on the bill to incorporate the Union Coal and Iron Company of Georgia.

On motion of Mr. Hardeman the same was amended by adding the following as an additional section, to wit :

"*And be it further enacted*, That Nathan Bass, James R. Butts and their associates and successors be, and they are hereby made a body politic and corporate by the name and style of the Georgia Coal Mining Company with all the rights and privileges conferred in the foregoing sections of this act."

On motion of Mr. Carlton the same was further amended by adding the following additional section, to wit :

"*And be it further enacted*, That this act shall continue in force for twenty years.

On motion of Mr. Cone of Greene the same was further amended by adding the following as an additional section, to wit :

"*And be it further enacted*, That the private property of

the Stockholders shall be bound for the debts of the Company as in cases of ordinary co-partnership.

The report of the Committee of the Whole, as amended, was agreed to, and the bill was read the third time and passed under the following title, to wit:

A bill to incorporate the Union Coal and Iron Company of Georgia, and the Georgia Coal Mining Company.

On motion, leave of absence was granted to the Senator from Effingham for a few days.

On motion of Mr. Screven, Mr. Atkinson was added to the Committee on Banks.

On motion, the Senate then adjourned till to-morrow at 10 o'clock.

THURSDAY, NOV. 22d, 1855.

The Senate met pursuant to adjournment.

Leave of absence was granted to Messrs. Billups and Riley for a few days.

The President announced the following committee, under the resolution referring so much of the Governor's message as relates to the seat of government, to-wit:

Messrs. Brown of Baldwin, McIntosh, Cone of Greene, Pope and Dabney.

Mr. Allred reported a bill to be entitled an act to change the line between the counties of Gilmer and Pickens; which was read the first time.

Mr. Beall reported a bill to be entitled an act to authorize and require the Poor School Commissioner of the county of Warren to pay Ezra McCrary out of the Poor School Fund of said county, the amount paid by him as Justice of the Peace out of his individual funds for teaching poor children in said county for the year 1837 and 1838; which was read the first time.

Mr. Chastain reported a bill to be entitled an act to authorise the Justices of the Inferior Court of the county of Fannin to lay off said county into school districts, to appoint trustees for the same, and to provide for the election of a Treasurer for each of said districts, and for other purposes therein mentioned; which was read the first time.

Mr. Cone of Greene offered the following resolution, to-wit:

Resolved, That his Excellency the Governor be requested to communicate to the Senate how many suits have been brought against the State of Georgia, or the agents of the State in the Courts of Tennessee, since the commencement of the construction of the Western & Atlantic Railroad; how many of those suits are now pending, and how

many have been determined against the State, and how many in favor of the State; and of those determined against the State, how much was recovered in each case; upon what grounds of complaint said suits were commenced, and upon what grounds the suits were defended by the State, and how and upon whom process was served.

Also, the following resolution, to-wit :

Resolved, That a committee, to consist of three members, be appointed to inquire and ascertain whether any further legislation is necessary to suppress the advertisement in the newspapers of this State, of lottery schemes, lottery drawings and the sale of lottery tickets, also to prevent the sale of lottery tickets; also, to inquire whether the legislature has power to suppress the sale of tickets under any grants of lotteries heretofore made; and whether tickets can now lawfully be sold under such grants; also to inquire what laws are necessary to prevent persons who reside out of this State from circulating and publishing through the mails or otherwise, schemes of lotteries, lottery drawings, and the sale of lottery tickets, and that said committee report by bill or otherwise.

Mr. Cone of Greene reported a bill to be entitled an act declaring under what circumstances the testimony of witnesses may be taken by commission, and the manner of taking and returning the same, and appointing commissioners to execute the same, and for other purposes therein mentioned; which was read the first time.

On motion of Mr. Murphy, one hundred and twenty copies of the same were ordered to be printed.

Mr Dabney reported a bill to be entitled an act to change and locate the north-western terminus of the Western & Atlantic Rail-road, and for other purposes therein specified; which was read the first time.

Mr. Gibson from the Judiciary Committee, made the following report :

The Judiciary Committee have had under consideration,

A bill to repeal an act to alter, amend and explain section 4th of 29 Charles 2d, ch. 3, and recommend that the same be passed; also,

A bill to repeal the proviso of an act passed 20th Dec'r, 1826, so as to put endorsers on promissory notes, negotiated or to be negotiated, at any Bank on a footing with other endorsers, and recommend that the same be not passed.

Mr. Gibson reported a bill to be entitled an act to make punishable, as a breach of the peace, the speaking of approbrious words; which was read the first time. Also,

A bill to be entitled an act to incorporate Pierce Female College, and for other purposes, which was read the first time.

Mr. Guerry offered the following resolution, to-wit :

Resolved, That each Senator reporting a bill to create a

new county, be added to the Standing Committees on New Counties.

Mr. Guerry moved to suspend the rules to take up the same, which was lost.

Mr. Guerry reported a bill to be entitled an act to lay out an organise a new county from the counties of Randolph and Stewart, and for other purposes therein specified; which was read the first time.

Mr. Hardeman reported a bill to vest that portion of land known as the State's Reserve below the city of Macon, in the corporate authorities of said city, which was read the first time.

Mr. Jeter reported a bill to be entitled an act to compensate Petit Jurors in the county of Marion; which was read the first time.

Also, a bill to be entitled an act to compensate the owners of slaves who shall hereafter be executed under the penal laws of the State of Georgia, which was read the first time.

Mr. Long reported a bill to be entitled an act for the relief of Rachel Black, which was read the first time.

Mr. Moore of Cobb presented a petition in relation to public schools, which was referred to the Committee on Public Education, without being read.

Mr. Moore of Lincoln reported a bill to be entitled an act to compensate persons who may be compelled to attend the Superior Courts of this State, as witnesses in behalf of defendants in criminal cases, in counties other than where such person or persons may reside; which was read the first time.

Mr. Morris reported a bill to be entitled an act to define the duties of the Judges of the Superior Courts of the several Judicial Circuits in this State, and to prevent said Judges from presiding in or determining causes wherein they have been retained as counsel previous to their election as Judges to facilitate the trial of cases in Court, and reduce the expenses of witnesses, and for other purposes therein mentioned, which was read the first time.

Mr. Morris reported a bill to be entitled an act to repeal an act or so much as includes a portion of Murray county, within the county of Fannin, and for other purposes therein mentioned; which was read the first time.

Mr. Nichols reported a bill to be entitled an act to add an additional section to the tenth division of the Penal Code of this State, which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President: I am directed by the House of Representatives to inform the Senate that they have agreed to a resolution appointing a committee of five consisting of Messrs. Phillips, Lawton, Jones of Muscogee, Dawson and Butts, to join such committee as may be appointed on the part of the

Senate, to whom shall be referred so much of the Governor's message, as relates to the seat of government, and report thereon as early as practicable.

They have also agreed to a resolution appointing a committee of three on the part of the House, and two on the part of the Senate, whose duty it shall be to visit and thoroughly examine the Western & Atlantic Rail Road, its books, papers, &c., and report on the same, and have appointed on their part, Messrs. Hill of Troup, Phillips and Lawton.

They have also agreed to a resolution appointing a committee of one from each judicial circuit, to join a like committee from the Senate, to whom shall be referred all matters involving the equalization of the labor of the said circuits and the creation of new ones; to all of which they ask the concurrence of the Senate.

They have also passed an act from the office of Secretary of State, an act to alter and amend the 3d section of the 3d Article of the Constitution of the State of Georgia by striking out the following words, to-wit: "appointed by the Legislature," and inserting in lieu thereof, the words following to-wit: "elected by the persons entitled to vote for members of the Legislature, at such time and in such manner as the Legislature shall, or may by law direct, and to add an additional section to the first article of the Constitution.

Mr. Patterson of Jefferson offered the following resolution, to-wit :

Resolved, That one hundred and twenty copies of the Report of the Superintendent and Resident Physician of the Lunatic Asylum be ordered to be printed for the use of the Senate.

Mr. Patterson of Jefferson moved to suspend the rules to take up the same, which was lost.

Mr. Peeples offered a resolution, to-wit.

Resolved, That the Committee on Internal Improvements be instructed to bring in a bill for the sale or other disposition of the Western & Atlantic Rail-road.

Mr. Screven reported a bill to be entitled an act to amend the original and amendatory acts authorizing certain Commissioners to raise by lottery a fund for the erection of monuments to Greene and Pulaski, in the city of Savannah ; which was read the first time.

Mr. Wales offered the following resolution, to-wit :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of providing by law for the appointment of a public Administrator in each of the counties in this States, and that said committee report by bill or otherwise.

Also, the following resolution, to-wit :

Resolved, That it shall be the duty of Senators introducing bills for New Counties, to furnish the Committee on New

Countief with a map of the proposed new county, with its boundaries, and a correct map of the counties out of which the said new counties are to be made.

On motion of Mr. Long, the rules were suspended, and the following bills were taken up, read a second time, and referred to the Committee on Internal Improvements, to-wit:

A bill to be entitled an act to grant aid to the Savannah, Albany and Gulf Rail-road Company, upon certain conditions.

An act to incorporate the North-Eastern Rail Road Company.

A bill to be entitled an act to give State aid to the Dalton and Gadsden Rail-road Company.

On motion of Mr. Dunnagan, Mr. Guerry was added to the Committee on New Counties.

Mr. McDonald offered the following resolution, which was taken up, read and agreed to, to-wit :

Resolved, That his Excellency the Governor be requested to furnish the Senate with a copy of the report of the Hon. J. C. Dobbin, Secretary of the Navy, to the Senate of the United States, in relation to the establishment of a Naval Depot at Brunswick, in this State.

Mr. Wingfield offered the following resolution, which was taken up, read and agreed to, to-wit :

Resolved by the Senate, That a Committee of five be appointed by the chair to join such committee as may be appointed by the House of Representatives to visit the Executive Mansion, examine its condition, and report to this branch of the General Assembly, what amount is necessary to repair, and what amount to supply such furniture as is needed for the same.

On motion, the rules were suspended, and the following bills from the House of Representatives were taken up and read a second time, to-wit :

A bill to be entitled an act to change the time of holding the Inferior Court of DeKalb, and for other purposes therein mentioned.

A bill to authorise the State Treasurer to make certain advances.

On motion, the same was ordered to be engrossed.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The following bills were taken up and read a second time, to wit :

A bill to be entitled act to lay out and form a new county from the county of Union, and provide for the organization of the same.

On motion of Mr. Dunnagan the same was referred to the Committee on New Counties.

A bill to be entitled an act to amend an act entitled an act to alter and change the mode of appointing Trustees of Glynn County Academy, in the county of Glynn, and to compel the Treasurer to give bond and security for the faithful performance of his duty, and for other purposes therein named.

A bill to be entitled an act to regulate the interest on money loaned in this State, and provide for the collection of the same.

A bill to be entitled an act to authorize the issuing of Attachments and Garnishments, and to regulate proceedings in relation to the same, and for other purposes therein mentioned.

On motion the same was referred to the Judiciary Committee.

A bill to be entitled an act to compensate the Grand and Petit Jurors the county of Catoosa.

A bill to be entitled an act to protect the planters of Oyster Beds and to give exclusive right to the usufruct of natural beds of Oysters in certain cases.

On motion of Mr. Dunnagan the same was referred to the Committee on the Judiciary.

A bill to be entitled an act to repeal an act passed 18th February, 1854, to provide for the education of the poor, so far as the counties of Habersham and Carroll are concerned, and to require the Ordinary of Chattooga county to pay the widow of Harrison H. Strange a certain sum therein named, so far as relates to the county of Habersham, and for other purposes.

A bill to be entitled an act to further regulate the decisions and practice of the Supreme Court.

On motion the same was referred to the Judiciary Committee.

A bill for the relief of Gabriel Sisk.

A bill to be entitled an act to lay out a new county from the county of Clark, and for other purposes therein named.

On motion of Mr. Peeples the same was referred to the Committee on New Counties.

A bill to be entitled an act to lay out a new county from Marion, Macon and Lumpkin, and to provide for the organization of the same.

A bill to be entitled an act for the relief of Mary Ann Lee of the county of Ware.

A bill to be entitled an act to alter and amend an act

passed the 10th of November, 1845, appointing the places for holding the Supreme Court.

A bill to be entitled an act to change the time of holding the Superior Court of the county of Newton, and to allow two weeks for holding the same, and for other purposes therein mentioned.

A bill to be entitled an act to alter and change a part of the 1st Section of the 3d Article of the Constitution of this State.

On motion of Mr. Gibson the same was referred to the Judiciary Committee.

A bill to be entitled an act to change the line of the counties of Crawford and Monroe so as to change the residence of Littleberry Lucas of Crawford county.

A bill to be entitled an act in relation to the fees of the Attorney General and Solicitors General of this State.

A bill to be entitled an act to repeal an act assented to January 22d, 1852, compelling Engineers to whistle at crossing

A bill to incorporate the "Athens Guard."

A bill to be entitled an act to cut off from the county of Murray Lot of Land 253, in the 8th District, 3d Section, and add the same to the county of Gordon.

A bill to be entitled an act to incorporate the Sixes Mining Company of Georgia.

Leave of absence for a few days was granted to Messrs. Moore of Lincoln, Gordon and Cumming.

A bill to be entitled an act for the relief of Giles Widenor of the county of Gordon.

A bill to prevent the Ordinaries in the several counties of this State from practising law in the Courts of Law and Equity in the same.

A bill to be entitled an act for the relief of John J. Morris and John C. Morris of Clay county; which on motion of Mr. Adams was referred to the Judiciary Committee.

A bill to change the name of Austin G. L. Cheek of the county of Carroll, to that of Austin G. L. Crider.

A bill to be entitled an act to lay out and form a new county out of the counties of Lumpkin and Gilmer, and for other purposes.

A bill to be entitled an act to add a part of the county of Marion to the county of Fannin, and for other purposes therein mentioned.

A bill to be entitled an act to amend an act entitled an act to change the line between the counties of Campbell and Fayette, so as to include the residence of Nathan Camp now in the county of Fayette in the county of Campbell, assented to February 20th, 1854.

A bill to be entitled an act declaring who are qualified and liable to serve as Jurors in criminal cases, regula-

ting the manner of empannelling a Jury in such cases declaring who are competent Jurors, and the mode and manner of ascertaining such competency, and for other purposes therein mentioned.

A bill to be entitled an act to point out the mode of ascertaining the relief and support to which widows and orphans are entitled out of the estates of their deceased husbands and parents in cases where Letters Testamentary and of Administration have, or shall be hereafter granted, and for other purposes.

A bill to be entitled an act to repeal an act assented to February 20th, 1854, to settle and fix the hours of labor by all white persons under twenty-one years of age, in all cotton, woollen and other manufacturing establishments in this State, and to make all contracts to labor in said factories for a greater length of time than therein prescribed null and void, and to punish violations of the same.

A bill to be entitled an act to exempt all property real or personal, inherited by or given to any female either before or after marriage of said female from seizure or sale to satisfy any debt on demand founded on any contract of the husband made or entered into before marriage.

A bill to be entitled an act to repeal an act approved Jan. 1852, entitled an act to repeal the 1st section of an act approved 19th December 1849, entitled an act to repeal all laws respecting the importation of slaves into this State, and to give certain powers to municipal corporations in relation to slaves, and to amend the act hereby revived, and to revive said first section so repealed.

A bill for the relief of Elizabeth J. Tucker.

A bill to be entitled an act to change, define and limit the time of holding the Superior Courts of the counties of Crawford, Twiggs, Macon and Dooly.

A bill to be entitled an act to add the county of Worth in the Macon Judicial circuit to the Southern circuit, and to alter the time of holding the Superior and Inferior Courts of said county.

A bill to be entitled an act to authorise the Superior Court of Marion county to grant a divorce between James W. Norman and his wife Elizabeth F. Norman, upon certain conditions therein named.

A bill to be entitled an act to authorise the Justices of the Inferior Courts of this State to exercise criminal jurisdiction.

A bill to be entitled an act to authorise the Treasurer of Glynn county Academy to pay over certain monies in his hands.

A bill to be entitled an act to amend an act entitled an act to amend an act to incorporate the Brunswick and Florida Rail-road Company, passed 22d December, 1835, and also to amend an act amendatory of the same, assented to 27th December, 1838.

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Tattnall and, to provide for the payment of the same.

A bill to be entitled an act to reduce the Sheriff's bond of Tattnall county.

A bill to be entitled an act to lay off and form a new county out of the counties of Cobb, Cherokee, Forsyth, Gwinnett, DeKalb and Fulton, and to organise the same.

A bill to be entitled an act to change the names of certain persons, and to legitimize and make heirs at law of certain persons therein mentioned.

A bill to be entitled an act to change the residence of Frederick Merit, Sr., of the county of Coffee, to the county of Irwin.

A bill to be entitled an act to refund to the county of Taylor the amount of tax paid into the Treasury of the State from said county for the year eighteen hundred and fifty-three.

The Senate then adjourned till ten o'clock to-morrow morning.

FRIDAY, NOVEMBER 23rd, 1855.

The Senate met pursuant to adjournment.

Leave of absence was granted for a few days to Messrs. Beall, Jeter, Dupree and Griffin.

Mr. Beall reported a bill to be entitled an act to authorize the county Surveyors in the several counties in this State in the absence of the Justices of the Peace or other officers authorized by law to administer oaths to Commissioners or Partitioners of Land when appointed to perform duties as Commissioners, which was read the first time.

The following message was this day received from his Excellency the Governor, through Mr. deGraffenried, his Secretary:

Mr. President: I am directed by the Governor, to deliver to the Senate, a communication in writing with accompanying documents.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., Nov. 23d, 1855. }

In compliance with a resolution for that purpose, I have the honor, herewith to transmit to the Senate, the Report of the Honorable J. C. Dobbin, Secretary of the Navy, to the Senate of the United States, in relation to the establishment of a Naval Depot, at Brunswick in this State.

HERSCHEL V. JOHNSON

On motion the same was taken up and read.

Mr. Beasley reported a bill to be entitled an act to incorporate the Lagrange and Talladega Railroad Company, which was read the first time.

Mr. Cannon reported a bill for the relief of Henry A. Clemmons, which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act to alter and amend the 50th Section of the 14th Division of the Penal Code, which was read the first time.

Also a bill to be entitled an act declaring who shall be competent witnesses in the Courts of Law and Equity in this State, and for other purposes therein mentioned ; which was read the first time.

Mr. Crowder offered the following resolution, to wit :

Resolved, That when a bill is introduced to form a new county, the Senators from the counties out of which the new one is to be formed, shall be added to the Committee on New Counties.

Mr. Gibson reported a bill to be entitled an act to provide for Common School Education, and for other purposes ; which was read the first time.

On motion of Mr. Wingfield one hundred and twenty copies of the same were ordered to be printed.

Mr. Harris of Worth reported a bill to be entitled an act to protect the citizens of the county of Worth from the injurious consequences of camp hunting, by non-residents ; which was read the first time. Also,

A bill to be entitled an act to reduce the Sheriff's Bond of the county of Worth, from \$20,000 to \$5,000 ; which was read the first time.

Mr. Hill offered the following resolution, to wit :

Resolved by the Senate and House of Representatives, That the General Assembly do convene in the Hall of the House of Representatives on Tuesday the 27th inst.. to proceed to the election of a State Printer for the years 1856 and 1857.

Mr. Marshall reported a bill to be entitled an act in relation to the Poor School fund of Talbot county for the year 1854 ; which was read the first time.

Also a bill to be entitled an act to amend an act entitled an act to authorize Mrs. Elizabeth Montfort to erect a mill dam across Flint river in the county of Crawford, upon certain conditions, assented to December 14th, 1849, and to provide a more adequate remedy for the abuse of said franchise ; which was read the first time.

Mr. Patterson of Jefferson, reported a bill to be entitled an act to compensate Grand and Petit Jurors of the county of Jefferson, and for other purposes therein mentioned ; which was read the first time.

Mr. Peebles reported a bill to be entitled an act to amend the several acts in relation to the town of Athens ; which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have passed the following bill, to wit:

A bill to be entitled an act to change certain county lines therein enumerated.

Mr. Screven presented a memorial from the Oglethorpe Medical College of Savannah; which on motion was referred to the Committee on Education.

Mr. Screven offered the following resolution, to wit:

Resolved, That the Messenger of the Senate be, and he is hereby directed to place a carpet upon the floor of the Senate passway.

Mr. Smith of Jones, reported a bill to be entitled an act to lay out and organize a new county from the counties of Lee, Sumter, Dooly and Worth; which was read the first time..

Mr. Sims offered the following resolution, to wit:

Resolved by the Senate and House of Representatives of the State of Georgia, That a Joint Committee of five be appointed to be composed of three from the House and two from the Senate, whose duty it shall be to proceed to the Western & Atlantic Railroad, and make a thorough examination of said Road, its equipments, finances, management, and all other matters relating to said Road, and that said Committee may discharge its duties more efficiently, they are hereby empowered to procure such advice and assistance as they may deem necessary. Said Committee shall examine the books and papers connected with the operations of said Road, and shall have power to compel the attendance of all persons whose testimony they may desire in the discharge of their duties, and may call upon the Superintendent, and all other officers and agents of said Road, for such information and assistance, in the discharge of their duties, as they may deem proper. And it shall be the duty of said Committee to examine into the propriety of selling or discontinuing so much of said Road as reaches into the State of Tennessee, also, into the causes and foundations for the law suits that have been recovered, and that are now pending against said State, for damages done by said Road, and that said Committee report by bill, or otherwise.

Mr. Guerry from the Committee on Enrolment, reports as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to authorize the Justices of the Inferior Court of Washington county to revise their Jury Box and for other purposes; and a resolution to establish a mail route.

Mr. Sims reported a bill to be entitled an act for the relief

of teachers of poor children in the county of Decatur ; which was read the first time.

Mr. White reported a bill to be entitled an act to authorize Dr. F. M. Goss to practice medicine on the Eclectic system as taught in Cincinnati, Ohio ; which was read the first time.

On motion of Mr. Cone of Greene the resolution in relation to the advertisement of Lotteries in this State, was taken up, read and agreed to.

Also, the resolution in relation to suits against the Western & Atlantic Railroad was taken up, read and agreed to.

The President announced the following as the committee to visit and examine the Executive Mansion, to wit : Messrs. Wingfield, Screven, Baxter, Wales and Spalding.

On motion of Mr. Wales, the resolution in relation to furnishing the maps of proposed new counties to the Committee on New Counties ; which was taken up, read and agreed to.

On motion of Mr. Screven the resolution in relation to carpeting the passway and gallery, and making a door covered with green baize ; which was taken up read and agreed to.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to wit :

Mr. President : The House of Representatives have passed the following bill of the Senate, to wit :

A bill to be entitled an act to authorize the county of Dougherty to aid in constructing the Georgia and Florida Railroad between Albany and Americus.

On motion of Mr. Guerry the Senate proceeded to take up the special order of the day, which was the consideration of the report of the Committee of the Whole, upon a bill for the pardon of Jacob Mercer of Stewart county, now under sentence of death for the crime of murder.

Pending the consideration thereof the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Leave of absence was granted to Messrs. Renfro, Ware and Howell, for a few days.

The Senate took up the unfinished business of the morning, which was the consideration of the report of the Committee of the Whole upon the bill for the pardon of Jacob Mercer.

Pending the discussion thereof the Senate adjourned till ten o'clock morrow morning.

SATURDAY. NOVEMBER 24th, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Bloodworth, the rules were suspended, and the Senate took up the unfinished business of the last adjournment, which was the consideration of the report of the Committee of the Whole upon the bill to pardon Jacob Mercer of Stewart County, now under sentence of death for the crime of murder.

The report of the Committee was agreed to. The bill was read the third time, and on the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 29, nays 50.

Those voting in the affirmative are Messrs. Adams, Atkinson. Brown of Calhoun, Buchanan, Camden, Causey, Chastain, Coffee, Colbert, Dunnagan, Gibson, Guerri, Harris of Worth, Hays, Jamison, Landrum, Lawson of Houston, Lawton, Lott, Matthews, McDonald, Moore of Cobb, Patterson of Gilmer, Reddish, Roddenberry. Sapp, Shropshire, Smith, and White.

Those voting in the negative are Messrs. Allred, Ashe, Baxter, Beasly, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dixon, Gray, Hamilton, Hardeman, Harris of Taliaferro; Hines, King, Knight, Maddux, Marshall, McCrimmon, McGuire, McMillan, Moody, Moreland, Morris, Murphy, Murray, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Robinson, Rudisill, Simms, Scott, Screven, Spalding, Strickland, Sumner, Swinney, Turner, Whitaker, Wingfield, and Wynn.

So the bill was lost.

Mr. Guerri from the Committee on Enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to authorize the County of Dougherty, to aid in constructing the Georgia and Florida Rail Road between Albany and Americus, or any Rail Road running to said county, by the subscription of stock and the issue of bonds therefor, upon a vote of citizens.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following resolution, to-wit:

Resolved, by the House of Representatives, That a committee of five be appointed by the Chair, to join such committee as may be appointed on the part of the Senate, to visit the Executive Mansion, and examine its condition, and to report to this branch of the General Assembly at as early a day as possible, what amount is necessary to repair, and

what amount to supply such furniture as is needed for the same; and have appointed on their part, Messrs. Lawton, Jones of Muscogee, Irwin, Milledge and Crook.

On motion the rules were suspended, and the Senate took up the following engrossed bill from the House of Representatives, to-wit :

A bill to authorize the State Treasurer to make certain advances.

The bill was read the third time and passed under the title thereof.

On motion of Mr. Murphy, the rules were further suspended, and the Senate took up the following engrossed bill of the House of Representatives, to-wit :

A bill to be entitled an act to change the time of holding the Superior Court of DeKalb county and for other purposes therein mentioned.

The bill was read the third time and passed under the title thereof.

On motion the Senate adjourned till Monday morning at 10 o'clock.

MONDAY, NOVEMBER 26th, 1855.

The Senate met pursuant to adjournment.

Mr. Guerry moved to reconsider so much of the Journal of Saturday, as relates to the rejection of the bill to pardon Jacob Mercer of Stewart county, now under sentence of death for the crime of murder.

Upon which motion, the yeas and nays were required to be recorded, and are yeas 57, nays 30.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Baxter, Beasley, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Causey, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dunnagan, Gibson, Gordon, Grant, Guerry, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Head, Hines, Jamison, Landrum, Lawson of Burke, Lawson of Houston, Lawton, Long, Lott, Marshall, Mathews, McDonald, McIntosh, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Paulk, Reddish, Roddenberry, Sapp, Shropshire, Simms, Spalding, Strickland, Wales, Whitaker, White and Wingfield.

Those who voted in the negative are Messrs. Allred, Brown of Baldwin, Calhoun, Cannon, Cantrell, Carlton, Cone of Bulloch, Dixon, Gray, Hardeman, Hill, King, Knight, McCrimmon, McGuire, Moody, Moreland, Murray, Patterson of Jefferson, Peeples, Pharr, Robinson, Scott.

Scriven, Studstill, Sumner, Swinney, Turner, Welborn and Wynn.

So the motion was carried.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President—The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to change the name of Emily Akins to that of Emily Curry of Irwin county, and to change the name of Eliza Jane Lindsay of Lowndes county, to Eliza Jane McCraney, and also to change the names of Sarah Margaret Langdon, Eliza Frances Langdon, and Pearce Asbury Langdon, to that of Sarah Margaret Morris, Eliza Frances Morris, and Pearce Asbury Morris.

A bill to be entitled an act to authorise and empower Uriah Evans of the county of Twiggs, and other persons therein named, to peddle without license.

A bill to be entitled an act to change the names and legitimatise certain persons therein named, and for other purposes.

A bill to be entitled an act to incorporate the Methodist Episcopal Church in Tattnall county, known as Brewton Church.

A bill to be entitled an act to add a part of originally Union county, to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding. Also, to add lots of land No. ninety-nine, one hundred and twenty-five, one hundred and twenty-six, and one hundred and twenty-seven, in the thirtieth district of Marion county, to the county of Sumter.

A bill to be entitled an act to compel all persons residing out of the State of Georgia, and who own land in any of the counties of this State, improved or unimproved, to give in and pay tax for the same in the county where the land lies.

A bill to be entitled an act to authorise the Inferior Court of the county of Laurens to levy an extra tax for pauper purposes.

A bill to be entitled an act to alter and amend the 18th and 19th sections of the 1st article of the Constitution of the State of Georgia.

Mr. Adams reported a bill to be entitled an act to incorporate the Cotton Hill Male and Female Academy in the village of Cotton Hill, Clay county ; which was read the first time.

Mr. Beasley reported a bill to be entitled an act to prevent and make penal the obstructing of any of the public roads of Troup county, by persons assembled thereon, for the purpose of horse-racing; which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to repeal

an act entitled an act to regulate the testimony of attorneys-at-law, approved February 21st, 1850, which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act in relation to the public records of counties when the same has been destroyed by fire, declaring that all deeds and other instruments in writing that have been recorded, shall be considered and taken as having been recorded upon sufficient proof of execution, and declaring what shall be proof of the contents of records so destroyed, which was read the first time. Also,

A resolution to-wit: *Resolved*, That a committee to be composed of three members be appointed to inquire and accurately ascertain what is the exact weight of a bushel of wheat, and of all other kinds of grain, and of all other articles and commodities, that are usually sold by the bushel; and that they report a bill fixing and declaring what shall be the standard weight of a bushel of all the aforesaid articles, grains and commodities. Also, the following resolution, to-wit:

Resolved: That the Secretary of the Senate cause to be printed for the use of the Senate, one hundred and fifty copies of the last census of the population of this State.

Mr. Gibson reported a bill to be entitled an act to lay out the county of Towns, and for other purposes; which was read the first time.

Leave of absence was granted to Messrs. Paulk, Maddux, Rudisill and Ponder, for a few days.

Mr. Knight reported a bill to be entitled an act for the relief of Caroline McGill, wife of Archibald McGill, and daughter of John Hargroves of the county of Ware, which was read the first time.

Mr. Lawton reported a bill to be entitled an act to grant aid to the Georgia and Florida Rail-road Company, upon certain conditions, which was read the first time. Also,

A bill to be entitled an act to incorporate the Dougherty Bridge Company, and for other purposes therein named, which was read the first time.

Mr. Moody reported a bill to be entitled an act to change the line between the counties of Tattnall and Liberty, so as to include the re-sidence of Henry Kicklighter in the county of Tattnall, which was read the first time. Also,

A bill to be entitled an act to change the names of certain persons therein named, and legitimize the same, which was read the first time.

Mr. Patterson of Jefferson reported a bill to be entitled an act to amend an act entitled an act to secure a preference to persons in possession, in application for grants under the laws pertaining to Head Rights, approved February 17th, 1854, which was read the first time.

• Mr. Paulk reported a bill to be entitled an act to lay out

and form a new county from the counties of Pulaski, Dooly and Irwin, and to provide for the organization of the same, which, was read the first time.

Mr. Peebles reported a bill to be entitled an act to require the Sheriffs of this State to enforce ~~fi~~ fas when placed in their hands, (if upon notice being given,) under certain penalties herein prescribed, which was read the first time.

Mr. Robinson reported a bill to be entitled an act to incorporate Laurens Lodge, No. 75, of Free and Accepted Masons of Laurens county, which was read the first time.

Mr. Scott reported a bill to be entitled an act for the relief of the estate of Joseph White, late of the county of Stewart deceased, which was read the first time.

Mr. Spalding reported a bill to be entitled an act to appoint Commissioners of Pilotage for the navigable waters of the Port of Darien in the county of McIntosh, which was read the first time.

Also, the following resolution, to-wit:

Resolved, That a committee of three be appointed by the Chair to take the deposition of Dr. Wimberly, a member of the House of Representatives, as regards the case of Jacob Mercer, and to report the same for the information of this House.

Mr. Screven from the Committee to whom was referred the bill to be entitled an act to incorporate a bank in the town of Athens, report the same, with the following amendments, and when so amended, recommend its passage:

In the first section substitute 1885 for 1895.

The 4th section amended by inserting the Directors of said Bank shall be citizens of the State of Georgia, and if any person not a citizen of the said State, shall be elected a director of said Bank, the Charter hereby granted shall be forfeited.

8th section amended by inserting after the word "Cashier" • "who shall be a citizen of the State of Georgia."

10th section amended by inserting after the word "capital," the words "paid in."

17th section amended by inserting the words "individual, or individuals," and after the words "company or companies."

18th section amended by substituting the following—And be it further enacted by the authority aforesaid, That no one shall subscribe for, or own or purchase stock in said Bank, unless he or she be a citizen of Georgia. The private or individual property of each Stockholder as well as their Joint property, shall be liable for the redemption of the bills of the said bank, and for the payment of all the debts and liabilities of the same, and when any judgment shall be obtained against said bank and execution issued thereon, it shall be the duty of the levying officer, first to levy the same, on the

property of said corporation, and to sell the same, and if the proceeds thereof, shall be insufficient to pay off said execution, and the return of said officer of no corporate property shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any stockholder or stockholders, and sell the same until an amount is raised sufficient to pay off said execution, provided the same is not for a greater amount than the value of the stock of the stockholder whose property is levied upon, and if for a greater amount; and in that case, an amount equal to the amount of his stock, and judgment obtained against said Bank by any creditor, shall not only bind the property of said bank, but shall also bind the individual property of each stockholder to the amount of his stock, without the necessity of bringing any suit against the stockholders, and service of a copy in substance of the declaration and process upon the President or Cashier of said Bank shall be adjudged sufficient service and notice, both of said Bank and of each stockholder therein, to render the property of said bank and the individual property of each stockholder therein, subject and liable for the payment of any judgment which may be rendered against said bank. Each stockholder only to be liable to the amount of his stock, and that any stockholder who pays off any such execution, or any part thereof, shall have the right to use and control the same *fi fa* against all the other stockholders, so as to collect the rateable share out of each of them.

Mr. Strickland reported a bill to be entitled an act to compel persons owning lands out of the counties where they reside, to give in their numbers, district and county where the lands lie, which was read the first time.

On motion of Mr. Spalding, the following resolution was taken up, read and agreed to, to-wit:

Resolved, That a committee of three be appointed by the Chair to take the deposition of Dr. Wimberly, a member of the House of Representatives, and other testimony bearing upon the case as regards the case of Jacob Mercer, and to report the same for the information of this House.

On motion of Mr. Hardeman, the rules were suspended, and the Senate took up for a first reading, the following bill of the House of Representatives, which had been passed at the last session, according to the provisions of the Constitution, to-wit:

An act to alter and amend the third section of the third article of the Constitution of the State of Georgia, by striking out the following words; to-wit: "appointed by the Legislature," and inserting in lieu thereof, the words following, to-wit: "elected by the persons entitled to vote for members of the Legislature at such time and in such manner as the Leg-

islature shall or may by law direct, and to add an additional section to the first article of the Constitution.

The Senate up the regular order of the day, which was the consideration of the report of the Committee of the Whole upon a bill to be entitled an act to increase the salaries of the Judges of the Supreme Court of this State.

On motion of Mr. Peeples, the same was laid over for the present.

The Senate took up the report of the Committee of the Whole upon a bill to be entitled an act to repeal the proviso of an act entitled an act to define the liability of endorser of promissory notes and other instruments, and to place them upon the same footing with securities, approved Dec'r 26th, 1826, which provides, that nothing herein contained, shall extend to any promissory note which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered bank, or which may be deposited in any chartered bank for collection and for other purposes.

On motion of Mr. Dabney, the same was laid over for the present.

The Senate took up the report of the Committee of the Whole upon the bill to be entitled an act to incorporate a Bank in the town of Athens.

* The amendment to the first section, recommended in the report of the Committee on Banks, to-wit: that "1885" be substituted for "1895," was agreed to.

Mr. Cone of Greene moved to amend the first section by striking out the words "usual banking privileges," and inserting in lieu thereof, "such banking privileges as are granted by the provisions of this act."

Mr. Cone of Greene moved to amend the 3rd section by inserting as follows, to-wit—"and it shall be the duty of said Commissioners to have the amount of the specie so paid in, counted by the Ordinary of said county, who shall give his certificate that the same has been paid, and record the same in his office.

The motion was agreed to.

The Committee appointed by the President to take depositions under the resolution of the Senate, in the case of Jacob Mercer, are Messrs. Spalding, Buchanan and Gibson.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate proceeded to take up the unfinished business of the morning, which was the bill to incorporate a bank in the town of Athens.

The following amendment to the 4th section proposed by the Committee on Banks, was taken up, read and agreed to, to-wit—"The Directors of said Bank shall be citizens of the State of Georgia, and if any person not a citizen of said State, shall be elected a Director of said Bank, the charter herein granted shall be forfeited."

The following amendment proposed by the Committee on Banks, to the 8th section, was taken up, read and agreed to, to-wit: "Insert after the word 'Cashier,' the words, Who shall be a citizen of Georgia."

The following amendment to the 10th section, proposed by the Committee on Banks, was taken up, read and agreed to, to-wit: "Insert after the word 'capital' the words 'paid in.'"

Mr. Cone of Greene moved to amend the 10th section by inserting the following words, to-wit: "And a violation of the provisions of this section shall work a forfeiture of all the rights and privileges granted by this act; which was agreed to.

Mr. Cone of Greene moved to amend the 13th section by adding the following, to-wit: "And if the capital stock of said Bank shall ever be diminished, either by declaring dividends or in any other way, the charter of said Bank shall be forfeited and the rights and privileges granted by this act shall cease to exist."

Mr. Peeples moved to amend by inserting before the word "dividends" the word "fraudulent;" which was lost. Also to insert after the word "way" the words "unless hereafter authorised by law;" which was agreed to.

The amendment as amended was then agreed to.

Mr. Cone of Greene moved to amend the 16th section by adding the following words, to-wit: "and the contracts of said corporations, made by the agents, shall be binding upon said corporations."

Mr. Peeples moved to amend the amendment by adding after the word "agents," the words "duly authorised by resolution of the Board of Directors, except in cases of the ordinary transactions of banks, in issuing bills and drawing drafts and bills of exchange, granting certificates of deposite." Which was agreed to.

Mr. Buchanan moved further to amend the amendment by adding the words, "and the names of said agents shall be published in some public gazette in the city of Athens, or in a gazette nearest the place where any of its branches or agencies may be established;" which was lost.

The amendment as amended, was then agreed to.

The amendment to the 17th section, reported by the Committee on Banks, which was as follows, to-wit: Insert after the word "individual" the words "or individuals;" and after the word "company," the words "or companies," was agreed to.

Mr. Guerry from the Committee on Enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President, the following acts, to-wit :

An act to change the times of holding the Inferior Court of DeKalb, and for other purposes therein mentioned. Also,

An act to authorise the State Treasurer to make certain advances.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President: The House of Representatives have agreed to a resolution authorizing his Excellency the Governor to employ such counsel as in his judgment may be necessary to defend the suit instituted in the Supreme Court of the United States against the State of Georgia, to settle the boundary line between the two States. To which they desire the concurrence of the Senate.

Mr. Cone of Greene moved to amend the 17th section by striking out the same, and inserting in lieu thereof, as follows, to-wit—"That it shall not be lawful for any of the stockholders of said Bank to transfer any of said stock to any person not a citizen or resident of this State, and if any stock shall be so transferred, the same shall be forfeited to the State, and the same shall be transferred on the books of said Bank to the State by the officer of said Bank, authorised to make transfers of stock upon satisfactory proof that such stock has been so transferred to any person not a citizen or resident of this State."

Mr. Hardeman moved to divide the question; which was agreed to.

The motion to strike out was lost.

Mr. Cone of Greene offered the same amendment; which was agreed to.

Pending the consideration of the eighteenth section and certain amendments thereto,

On motion of Mr. Guerry, the rules were suspended, and the following resolution was taken up, read and agreed to, to-wit :

Resolved, That inasmuch as it will be impossible for the General Assembly to make a final disposition of the bill for the pardon of Jacob Mercer within the time to which he has been respited, That his Excellency the Governor be respectfully requested to extend the respite of the same.

On motion of Mr. McDonald; the rules were further suspended, and a motion to have one hundred and twenty copies of the Report of the Hon. J. C. Dobbin, Secretary of the Navy, in relation to a Navy Yard at Brunswick, printed for the use of the Senate, was then agreed to.

On motion, the Senate then adjourned until 10 o'clock to-morrow morning.

TUESDAY, NOVEMBER 27th, 1855.

The Senate met pursuant to adjournment.

The President announced the following as the Committee under the resolution in relation to Lotteries, to wit: Messrs. Cone of Greene, Pope and Murphy.

Leave of absence, for a few days, was granted to Messrs. Screven and Beasley.

Mr. Allred reported a bill to be entitled an act to compensate Grand and Petit Jurors for the county of Pickens, and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose; which was read the first time.

Mr. Beasley reported a bill for the protection of the rights of Eugene Allen, a minor of Troup county; which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to authorize bills of sale to be proven, recorded and admitted in evidence, in certain cases therein specified, which was read the first time.

Mr. Crowder reported a bill to be entitled an act to repeal an act to require the Receivers of Tax returns in the several counties of this State to ascertain the number of children in their respective counties between the ages of eight and sixteen years and for other purposes therein named, approved February 18th, 1854, and to prescribe the mode in which the returns of children entitled to the benefit of the Poor School fund, shall hereafter be made in the several counties in this State; which was read the first time.

Mr. Dixon reported a bill to be entitled an act to change and fix the time of holding the Superior Courts in the county of Merriwether, and for other purposes therein named; which was read the first time.

Mr. Gibson from the Committee on the Judiciary made the following report, to wit:

The Judiciary Committee have had under consideration a bill to protect Oyster beds, and recommend the same be passed with amendment, to wit; to strike out all of the 1st Section after the words "fish or rake," and in lieu thereof add "said beds of Oysters, provided the same shall be distinctly staked or otherwise marked out. And they have, also, considered a bill to regulate the Decisions and practice of the Supreme Court, and recommend that the same be amended by adding at the close of the 1st Section the words, "and no other," and that the same then be passed.

Mr. Hays reported a bill for the relief of George W. Mercer of the county of Early; which was read the first time.

Mr. Head reported a bill to be entitled an act for the relief of Jasper Holstem of Macon county; which was read the first time.

Mr. King reported a bill to be entitled an act to authorize Dr. James G. McCrary of the county of Sumter to practice Medicine and Surgery, and charge for the same; which was read the first time.

Mr. Lawson of Burke, reported a bill to be entitled an act to extend the time of making the returns of the Tax Collector of Burke county, &c.; which was read the first time.

Mr. King reported a bill to be entitled an act to authorize George W. Thomas, Jr., a minor of the county of Sumter to hold property in his own name, to sue and be sued, contract and be contracted with, as though he had obtained his majority, and for other purposes; which was read the first time.

Mr. Sims reported a bill to be entitled an act to amend the "Claim Laws" of this State; which was read the first time.

Mr. Studstill reported a bill to be entitled an act to compel all persons owning six hundred or more acres of land in the county of Telfair to give in, and pay tax for the same in said county; which was read the first time.

Mr. Swinney reported a bill to be entitled an act that all free persons of color remaining within the limits of the State of Georgia, from and after the twenty-fifth day of December, 1856, shall be sold into servitude, and for other purposes; which was read the first time.

Mr. Peebles offered the following resolution, to wit:

Resolved, That until otherwise directed the meetings of this Branch of the General Assembly shall be at 9 1-2 o'clock, A. M., and its daily services shall close at 2 1-2 P. M.

On motion the rules were suspended and the same was taken up.

On motion of Mr. Camden the same was laid on the table.

On motion of Mr. Miller the following bill passed at the last session of the General Assembly according to the provisions of the Constitution, was taken up and read the first time, to wit:

An act to amend the first section of the third Article of the Constitution of the State of Georgia.

On motion of Mr. Cone of Greene, his resolution offered on yesterday, in relation to weights, was taken up and agreed to.

Also the resolution to printing the Census, was taken up read and agreed to.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary:

Mr. President: The Governor has approved and signed the following act which has been deposited in the office of Secretary of State, to wit:

An act to authorize the county of Dougherty to aid in con-

structing the Georgia and Florida Rail-road between Albany and Americus, or any Rail-road running to said county, by subscription for stock, and the issue of Bonds upon a vote of the citizens.

I am also requested to deliver to the Senate a communication in writing :

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., November 27th, 1855. }

To the Senate :

I have the honor to inform you, that in compliance with your request I have extended the respite of Jacob Mercer until Friday the 21st day of December next.

HERSCHEL V JOHNSON.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President : The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to confer certain rights and privileges on Charles K. Jarrett, his heirs and assigns, for the term of twenty-five years.

A bill to be entitled an act to make final disposition of the assets of the Central Bank, and for other purposes.

A bill to be entitled an act to authorize Charles Cowart an infirm man of the county of Clinch, and Harman N. Sapp an infirm man of the county of Lowndes, as itinerant traders to vend any goods, wares or merchandise within the counties of Clinch and Lowndes, without obtaining license for the same.

A bill to be entitled an act to incorporate the Atlanta Gas Light Company.

A bill to be entitled an act to consolidate Osborn's and Poplar Hill Precincts in Hancock county.

A bill to be entitled an act to remove an election precinct in the county of Campbell.

A bill to be entitled an act to change the time of holding the Inferior Court of the county of Spalding.

A bill to be entitled an act to alter and amend an act entitled an act to carry into effect the amended Constitution of this State in reference to Ordinaries of this State, and for other purposes, assented to January 21st, 1852, so far as the same relates to the county of Tattnall.

A bill to be entitled an act to repeal an act entitled an act to amend the Patrol Laws of this State, approved February 20th, 1854, so far as relates to the county of Glynn.

A bill to be entitled an act to incorporate Holmesville Lodge, number one hundred and ninety-five, of Free and Accepted Masons of the town of Holmesville, Appling county.

A bill to be entitled an act for the relief of Mary F. Dur-

and, wife of Samuel A. Durand of the town of LaGrange, county of Troup, and other persons therein mentioned.

A bill to be entitled an act to incorporate certain persons under the name and style of the Columbus Iron Works Company.

A bill to be entitled an act to incorporate "Columbus Fire Company, No. 4.

A bill to be entitled an act to authorize the Inferior Court of Decatur county to levy a tax for the purpose of paying the Superintendents, Clerks and those who consolidate the returns of elections of said county for their services.

They have also agreed to a resolution in relation to the further respite of John T. Boyd to which they desire the concurrence of the Senate.

Also a resolution appointing a committee of five to join the committee on the part of Senate to ascertain what number of Clerks may be necessary as assistants, with instructions to report thereon, and have appointed on their part Messrs. Crook, Jones of Muscogee, Cannon, Phillips and Milledge.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have agreed to a resolution authorizing and requiring his Excellency the Governor to have the State Capitol insured, to which they ask the concurrence of the Senate.

The Senate then took up the unfinished business of the last adjournment, which was the consideration of the report of the Committee of the Whole upon the eighteenth Section of the following bill, to wit:

A bill to be entitled an act to incorporate a Bank in the town of Athens to be called "The Bank of Athens."

The following amendment to the eighteenth Section, was proposed by the Committee on Banks, to wit: "Substitute the following—And be it further enacted by the authority aforesaid, That no one shall subscribe for, or own, or purchase stock in said Bank, unless he or she be a citizen of Georgia. The private or individual property of each Stockholder as well as their joint property shall be liable for the redemption of the bills of the said Bank, and for the payment of all the debts and liabilities of the same, and when any Judgment shall be obtained against said Bank and Execution issued thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same, and if the proceeds thereof shall be insufficient to pay off said Execution, and the return of said officer of "no corporate property" shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any Stockholder or Stockholders and sell the same

until an amount is raised sufficient to pay off said Execution, Provided the same is not for a greater amount than the value of the Stock of the Stockholder whose property is levied upon, and if for a greater amount, and in that case an amount equal to the amount of his Stock, and Judgment obtained against said Bank by any creditor shall not only bind the property of said Bank, but shall, also, bind the individual property of each Stockholder to the amount of his Stock without the necessity of bringing any suit against the Stockholders, and service of a copy in substance of the Declaration and process upon the President or Cashier of said Bank shall be adjudged sufficient service, and notice of said Bank, and of each Stockholder therein, to render the property of said Bank, and the individual property of each Stockholder therein subject and liable for the payment of any judgment which may be rendered against said Bank, each Stockholder only to be liable to the amount of his Stock, and that any Stockholder who pays off any such Execution, or any part thereof, shall have the right to use and control the same *vis à vis* against all the other Stockholders so as to collect the rateable share out of each of them.

Mr. Cone of Greene offered the following amendment to the amendments proposed by the Committee on Banks, to wit:

"If said Bank shall at any time fail or refuse to redeem any of its notes on demand, or pay any other of its debts when due and payment demanded, it shall be lawful for the holder of such bills, or creditors of said Bank as aforesaid, immediately to bring suit against said Bank for the recovery of the same, and there shall be Judgment against said Bank at the first term of the Court to which said suits are returnable, unless the President or Cashier of said Bank will swear that the Bank has a substantial defence to said suit, and that said Bank is less prepared for trial than it will be at the next term of said Court. And when Judgment shall be rendered against said Bank, Execution shall issue against the property of the Bank, and against the property of the Stockholders, who were such at the time the bills were issued which Execution shall be first levied on the property of the Bank; but if no property of the Bank can be found, the Sheriff shall make an entry on the Execution to that effect, and it shall be his duty forthwith to levy said Execution upon the individual property of any of the Stockholders, and so proceed until said Execution is satisfied.

As between the Stockholders themselves, they shall be bound for the payment of the debts of the corporation in proportion to the amount of stock held by each, and if any Stockholder shall be compelled to pay or shall pay more than his proportionate part of any debt or debts he shall have

the right to compel his co-stockholder to contribute to his re-imbursement in proportion to the amount of stock held by each.

Any Stockholder paying as aforesaid more than his proportionate part of any debt or debts shall have an immediate right of action against any one or more or all of said Stockholders to recover the proportion that he is entitled to receive as aforesaid, and said actions may be prosecuted in a Court of law for so much money paid for the use of such Stockholder or Stockholders against whom the suit is brought, and Stockholder so suing shall have judgment at the first term of said Court unless, the Defendant or Defendants will swear that they have a substantial defence to said action, and are less prepared for trial than such Defendant or Defendants will be at the next term of said Court.

It shall be the duty of the President and Cashier within six months after said Bank goes into operation to make out a statement of the condition of said Bank, and a list of the Stockholders, and the amount of Stock owned by each, which statement shall shew accurately the amount of assets of said Bank, and the kind and character of funds of which it is composed, and also the amount of indebtedness of said Bank, and the character of such indebtedness, which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers published in Athens, for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter verified as aforesaid, and any neglect to publish the same for twenty days, shall work a forfeiture of all the rights and privileges granted by this act.

No Stockholder shall at any time owe the Bank a larger sum than twenty-five hundred dollars, and if at any time he becomes a debtor beyond that amount the persons who were Directors at the time such additional indebtedness was created, shall be bound as securities for the payment of the same, in the same manner, and to the same extent as though they had signed their names as securities for the payment of such indebtedness, Provided, however, that any Director who was present at the time such additional indebtedness was authorized, may free himself from such liability by entering his dissent or protest on the Minute Book of the Directors, and any Director who was not present at the time such indebtedness was authorized, shall not be liable for the same, if he shall enter his dissent from the same in manner aforesaid, at any time within forty days after the same was created.

Those who were Stockholders of said Bank at the time a list of the Stockholders was advertised next, before the failure of said Bank to redeem its notes on demand or pay any other debts on demand shall be held, considered and taken

as Stockholders at the time of such failure, and shall be liable as Stockholders according to the provisions of this act and shall be liable to Execution according to the provisions of this act.

No note, bill of exchange, or other paper of any Stockholder shall be discounted upon any pledge of Stock or upon any less or weaker security than is required of other customers of the Bank, and if any such discount shall be made the Directors authorizing and allowing the same to be done, shall be held liable as securities for the payment of the same, in the same manner provided in the previous Section of this act.

Nothing in this act contained shall be so construed as to authorize said corporation to exercise any powers not expressly granted, and such as are necessary to carry into execution the powers expressly granted.

On motion of Mr. Miller, the consideration of the report of the Committee of the Whole on the bill to incorporate a Bank in the town of Athens, with amendments, was postponed and made the special order for Friday next.

On motion of Mr. Miller, one hundred and twenty-five copies of the amendments were ordered to be printed.

Mr. Spalding from the Committee appointed to take the depositions of Dr. Wimberly, a member of the House of Representatives, and such other testimony as might be on the same, presented the report of the same, which was received without being read.

The Senate then proceeded to the regular order of the day, which was the consideration of the report of the Committee of the Whole, upon the following bill, to wit :

A bill to be entitled an act to repeal an act entitled an act to change the line between the counties of Campbell and Fayette so as to include the residence of Nathan Camp, now in the county of Fayette, in the county of Campbell, approved February 20th, 1854.

The report was agreed to, the bill was read the third time and passed under the title thereof.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Crowder, the rules were suspended, the following resolution was taken up, read and agreed to, to-wit :

Resolved, That when a bill is introduced to form a new county, the Senators from the counties out of which the

new one is to be formed shall be added to the Committee on New Counties.

The Senate proceeded to the regular order of the day, which was the consideration of the report of the Committee of the Whole upon the following bill, to wit :

A bill to be entitled an act to repeal an act entitled an act to alter, amend and explain Section 4th of an act entitled an act for prevention of Frauds and Perjuries, approved February 20th, 1854.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole upon the following bill, to wit :

A bill to be entitled an act to repeal the proviso of an act entitled an act to define the liability of endorses of promissory notes, and other instruments and to place them upon the same footing with securities, approved December 26th, 1826, which provides that nothing herein contained shall extend to any promissory notes which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered bank, or which may be deposited in any chartered bank for collection, and for other purposes.

Mr. Peeples moved to strike out all after the enacting clause and insert the following in lieu thereof :

"That from and after the passage of this act, no construction shall be placed on the said proviso by any of the Courts of this State, which shall require maker and endorser of any paper mentioned in said act to be sued in separate actions, but the said maker and endorser or endorser shall in all cases be liable to be sued together in the same action as is now usual in suit against principal and security ; which motion was lost.

The report of the Committee of the Whole was disagreed to and the bill was lost.

The Senate took up the report of the Committee of the Whole on the following bill, to wit :

A bill to be entitled an act limiting the time in which suits in the Courts of Law in this State must be brought, and also the time in which indictments are to be found, and prosecuted in certain cases, and for other purposes therein mentioned.

The following amendment to the eleventh Section proposed by the Committee on the Judiciary was taken up, to-wit : "but no instrument shall be considered sealed unless so recited in the body of the instrument."

Mr. Cone of Greene moved to amend the amendment by inserting as follows, to wit : "and such instruments shall stand upon the footing of promissory notes"; which was agreed to.

Mr. Peeples moved to amend the amendment further by

adding, "That no instrument in form a promissory note, shall be considered an instrument under seal," which was lost.

The amendment as amended was then agreed to.

On motion, the bill and amendments was laid on the table for the present.

On motion of Mr. Baxter the rules were suspended and the following bill from the House of Representatives was taken up for a first reading, to-wit:

A bill to be entitled an act to change certain county lines herein enumerated.

On motion of Mr. Peebles the bill in relation to the limitation of suits was taken up and made the unfinished business.

On motion of Mr. Allred the Senate adjourned till ten o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 28th, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Wales, the Resolution from the House of Representatives, to extend the respite of John T. Boyd, was taken up, read and agreed to.

Mr. Adams reported a bill to be entitled an act to continue in force the tenth section of an act to lay out and form a new county from parts of the counties of Early and Randolph, and approved Feb. 16th, 1854: which was read the first time.

Mr. Atkinson offered the following resolution, to-wit:
Whereas, the city of Brunswick within the limits of this State, situated near the confluence of the Altamaha, Satilla and St. Mary's rivers, which stand unrivalled on this continent, in the quantity and quality of virgin timbers to be found on and near their banks suitable for building of ships, is a point for ease and safety of access, for health, climate and cheapness of all these materials for building, provisioning and outfit of ships, eminently qualify it for becoming an extensive navy-yard; and whereas Rail-roads, now in process of construction, will in a few years connect this point, directly with the best provisioned regions of the United States:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That in accordance with the recommendations of his Excellency the Executive of this State, our Senators be instructed, and our Representatives in Congress be requested, to use all proper means and influence in urging this subject upon the General Government, and the necessity of speedy action thereon,

Resolved, That a copy of these resolutions, together with

the message of the Executive of this State, herein referred to, be forwarded by his Excellency to the Secretary of the Navy, and to each of our Senators and Representatives in Congress.

Mr. Cantrell reported a bill to be entitled an act to incorporate the Baptist Church and Camp Ground at Concord, in the county of Forsyth, and for other purposes; which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act to authorise persons to submit controversies to arbitration, declaring how arbitrators shall be chosen, prescribing their powers, regulating the manner in which their proceedings shall be conducted, and for other purposes; which was read the first time.

On motion of Mr. Atkinson. 125 copies of the same were ordered to be printed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President—I am directed by the House of Representatives to inform the Senate that in consequence of the indisposition of their Speaker, they have made choice of the Hon. John Milledge of the county of Richmond, as their Speaker pro tem.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary :

Mr. President—I am directed by the Governor to transmit to the Senate a communication in writing :

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., November 28th, 1855. }

To the Senate and House of Representatives :

Agreeably to your request as communicated to me, by joint resolution, I have the honor to state that I have this day extended the respite of John T. Boyd, until Friday the 14th day of next month. **HERSCHEL V. JOHNSON.**

Mr. Cone of Greene offered the following resolution, to-wit:

Resolved, That his Excellency the Governor be requested to transmit to the Senate all the returns made by the Atlanta Bank; to the Executive Department since said Bank went into operation, said returns being those required to be made by an act approved 21st Feb'y, 1850.

Mr. Harris of Worth reported a bill to be entitled an act to authorise Thomas H. Hall of the county of Baldwin, a minor, to transact his own business in the manner, and subject to the same responsibilities as though he was of full age, which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have passed the following bill, to wit :

A bill to be entitled an act for the relief of Margaret Marchman, formerly Margaret Watson, of the county of Greene, and to change the name of said Margaret Marchman to that of Margaret Watson.

A bill to be entitled an act to appropriate one hundred dollars to be refunded to Samuel Walker of Fulton county who paid that amount over and above his lawful tax to the State in 1854.

A bill to be entitled an act to allow trustees to make returns to the court of Ordinary.

A bill to be entitled an act to appropriate a sum of money to remove obstructions from the Big Satilla River, and to render the same navigable for timber, rafts, lumber, wood and produce thereon; and for other purposes therein mentioned.

A bill to be entitled an act to authorize persons owning or who may hereafter own lands on any water course in this State, to ditch and embank the same, so as to protect said lands from freshets and overflows.

A bill to be entitled an act to reduce the number of jurors required for coroner's inquests in the county of Chatham.

A bill to be entitled an act to incorporate the Georgia Whitepath Gold and Copper Mining Company of North-Western Georgia.

Mr. Guerry from the Committee on Enrollment, reported as signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution, to-wit:

Resolved by the Senate and House of Representatives, That his Excellency the Governor of this State be requested to extend the respite of John T. Boyd of the county of Muscogee, now under sentence of death, for the period of ten days.

Mr. Murray reported a bill to be entitled an act to prevent Rail-road agents from shipping or conveying their grain on the Western & Atlantic Rail-road in preference and to the injury of other persons, and punish them for the same, which was read the first time.

Mr. Patterson of Jefferson reported a bill to be entitled an act to repeal a portion of the second section of an act entitled an act to change the lines between the counties of Monroe and Crawford, and also to change the lines between other counties therein mentioned, approved February 13th, 1854, which was read the first time.

Mr. Sims reported a bill to be entitled an act to alter and amend the tenth section of the 13th division of the Penal Code of this State, which was read the first time.

Mr. Wellborn reported a bill to be entitled an act to repeal so much of an amendatory act as relates to the authorizing agents appointed by the Governor, selling the reverted lands

in the different lotteries of this State, and re-establish the amended act of 1843, &c., which was read the first time.

Leave of absence was granted for a few days to Messrs. Cannon, Patterson, Strickland and Brown.

The Senate proceeded to take up the unfinished business of the last adjournment, which was the consideration of the report of the Committee of the Whole, upon a bill in relation to the limitation of suits in courts of law.

On motion of Mr. Cone of Greene, the same was re-committed.

On motion of Mr. Lawton, the same was referred to the Judiciary Committee.

The Senate then proceeded to the regular order of the day, which was the consideration of the Report of the Committee of the Whole, on the following bill, to-wit:

A bill to be entitled an act to authorise the Gainesville and Chattahoochee Ridge Rail-road Companies to consolidate their charters and make them uniform, and to increase and fix the amount of their capital.

Mr. Screven from the Committee on Internal Improvements, to whom was referred a bill to be entitled an act to authorise the Gainesville and Chattahoochee Ridge Rail-road Companies to consolidate their charters and make them uniform, and to increase and fix the amount of their capital, report the same without amendment, and recommend its passage, provided the charters of said roads have not expired.

Mr. Dunnagan moved to amend the first section by inserting after the word "consent" in the 9th line, the words "or the consent of a majority of them," which was agreed to.

Mr. Peeples moved to re-commit the bill with amendments to the Committee of the Whole, and make the same the special order for Thursday of next week, which motion was lost.

Mr. Peeples then moved to recommit the same, and refer it to the Committee on Internal Improvements, which was agreed to.

The Senate took up the regular order of the day, which was the consideration of the report of the Committee of the Whole, upon a bill for the relief of Elizabeth Martin, and for other purposes; Mr. Miller of Richmond in the Chair.

The Chair intimated to the Senate that the bill was not in order, inasmuch as the General Assembly had no constitutional power to grant divorces.

Mr. McMillan moved to refer the bill to the Committee on the Judiciary, which was lost.

The Chair pronounced the bill out of order.

Mr. McMillan appealed from the decision of the Chair.

On the question being put—"Shall the decision of the Chair stand as the judgment of the Senate?" the yeas and

nays were required to be recorded, and are yeas 56, nays 30.

Those voting in the affirmative are Messrs. Allred, Ashe, Baxter, Billups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cannon, Carlton, Causey, Chastain, Colbert, Cone of Bulloch, Crowder, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Hardeman, Hays, Hines, Knight, Lawson of Burke, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McGuire, Moody, Moore of Lincoln, Morris, Patterson of Jefferson, Peeples, Pharr, Ponder, Reddish, Riley, Roddenberry, Sapp, Scott, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Ware, Welborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Adams, Beall, Bloodworth, Brice, Calhoun, Cantrell, Coffee, Cone of Greene, Cumming, Gibson, Guerry, Hamilton, Harris of Taliaferro, Head, Hill, King, Long, McDonald, McIntosh, McMillan, Moore of Cobb, Moreland, Murphy, Murray, Patterson of Gilmer, Rudisill, Shropshire, Simms, Smith and White.

So the decision of the Chair was sustained.

Mr. McMillan moved to suspend the rules, so as to take up a resolution of the House of Representatives in relation to the appointment of a Joint Committee to visit the Western & Atlantic Rail-road, which motion was lost.

On motion of Mr. Cone of Greene, Mr. Long was added to the Committee in relation to the Clerks.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Peeples the following bills were taken up and read a second time, and severally referred to the Committee of the Whole, to wit:

A bill to change the mode of apportioning the Poor School fund of Baker county with the counties of Dougherty and Calhoun.

A bill to alter and amend an act to appropriate a sum of money to remove obstructions from the Big and Little Ochopee Rivers, and to render the same navigable for the transportation of timber rafts, lumber, wood and produce thereon, and for other purposes herein mentioned, approved February 4th, 1854.

A bill to change the names and legitimize certain persons therein named.

A bill to authorize the Ordinary of Whitfield county to pay arrearages due John B. Griffin, teacher of poor children

in said county, for services rendered in the year 1854.

A bill to incorporate the Mount Vernon Methodist Camp Ground in Whitfield county.

A bill for the relief of D. M. Bivens, Jr., of Jackson county.

A bill in relation to allowing Tax Collectors an insolvent list by the Grand Juries of the several counties of the State.

A bill to authorize the Justices of the Inferior Court of Warren county to levy an additional tax on the State Tax sufficient to defray the annual expenses of the county, and one third of the present indebtedness.

A bill for the relief of James Henry Fannin of the county of Troup, a minor in the twenty-first year of his age.

A bill to authorize Thomas D. Shelton of the county of Floyd, to practice physic and surgery in all their branches, and to charge and collect compensation for the same, without obtaining license as now required by law.

A bill to be entitled an act to change the place of holding Justice Courts in the 537th District, G. M., also to remove certain election precincts in Upson county, and for other purposes therein mentioned.

A bill to authorize the Ordinary, acting commissioner of the Poor School fund in Upson county, to pay certain bills for tuition where proper returns have not been made.

A bill to extend the provisions of the 4th section, 29th ch. 11, to the sale or gift of slaves.

A bill to grant certain privileges to Jephtha Mock of Macon county.

A bill for the relief of Sarah J. Compton of Macon county, and grant her certain privileges, &c.

A bill to require the Ordinaries of this State to keep a book in which they shall record all Letters Testamentary, Letters of Administration and Letters of Guardianship, and for other purposes.

A bill to allow the evidence of practising physicians to be taken in all civil cases by Interrogatories and Commission, and to regulate the taking thereof.

A bill to incorporate the Elberton Male Academy in the town of Elberton, and appoint Trustees for the same.

• A bill to preserve and dispose of the property and effects of corporations after their dissolution, and to provide for the payment of debts due by the same.

A bill to be entitled an act to prevent droves of nett cattle from driving into, or through the counties of Murray and Whitfield.

A bill to compel Executors, Administrators, Guardians and all other persons that take notes with security, to have them renewed within twelve months after they become due, or to bring suit within three months thereafter.

A bill to incorporate the Sandersville Hotel Company.

A bill to repeal an act entitled an act to alter, change and abolish certain election precincts therein mentioned, approved February 11th, 1854, as relates to the establishing an election precinct at Poplar Springs in the county of Kinchafonee.

A bill to change and organize the several Congressional Districts of this State therein named.

A bill to incorporate the Canton Mining Company of Georgia.

A bill to authorize John B. Woodard of the county of Emanuel, to peddle in this State without paying for the privilege so to do.

A bill to establish an election precinct at the house of John Wade in the fourteenth District of the county of Dooly.

A bill to lay out and organize a new county from the counties of Lee and Randolph.

A bill to incorporate the Waresboro Camp Ground and to appoint Trustees for the same.

A bill to sell the Western & Atlantic Railroad, and to create an Internal Improvement fund.

A bill to authorize and require the Tax Collector of Gilmer county for the years 1856 and 1857, to pay over the State Tax to the County Treasurer of said county, to be applied as therein directed.

A bill to alter and amend the 12th Section of the 2nd Article and the 1st Section of the 3d Article of the Constitution of this State, so as to give the election of Judges of the Supreme Court, Secretary of State, Treasurer and Surveyor General to the people.

A bill to prevent Counsel from presiding as Judges in cases in which they had been consulted and employed before their election, and to provide for the trial of such cases.

A bill to give endorsers the control of fi fas in all cases in which they may have paid them off, against the principal, or any prior endorser.

A bill to expedite suits of Law and Equity in certain cases and for other purposes.

A bill to alter and change the names of Sarah Catharine Simmons and John Jackson Simmons of the county of Dooly to the names of Sarah Catharine Pitts and John Jackson Pitts, and to legitimize the same, and enable them to inherit from their reputed father, Hardy Pitts of said Dooly county.

A bill to enforce all contracts for interest on money where the same is specified in said written contract.

A bill to incorporate Macon Hook and Ladder Company, No. 1, and to confer upon them certain privileges and exemptions.

A bill to alter and amend the fifth Section of an act in-

incorporating the Trustees of the Southern Botanic College, approved December 11th, 1839.

A bill to add a part of Taylor county to Marion county, and for other purposes therein mentioned.

A bill to authorize and require the Ordinary of Heard county to pay certain teachers of poor children.

A bill to provide for, and prescribe the mode of taking testimony of witnesses *de bene esse* in cases where the matter of controversy is not pending in any Court.

A bill for the relief of David A. Walker of the county of Harris, a minor in the twenty-first year of his age.

A bill to alter and amend an act entitled an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts, approved December 14th, 1851.

A bill to require the State Printing to be done at the Seat of Government.

A bill to exempt certain property of Savannah from taxation.

A bill to prevent the sale, or gratuitous distribution of spirituous Liquors within five miles of the Court House and election precincts, during the session of the Superior or Inferior Courts, or on the election days.

A bill to compensate the Superintendents of elections in this State.

A bill to repeal an act entitled an act passed the 27th January, 1852.

A bill to incorporate the Athens Gas Light Company.

A bill to change the name of Selita Bigby of Coweta county, to Selita Carter.

A bill to curtail the labor in taking cases to the Supreme Court by Writ of Error.

A bill to incorporate the Oglethorpe Light Infantry of Savannah.

A bill to authorize the Judge of the Superior Court of the county of Whitfield to draw two Panels of Grand and Petit Jurors for said county.

A bill to create and lay off a new Judicial Circuit to be called the Lumpkin Circuit.

A bill to amend the Charter of the Southern Mutual Insurance Company.

A bill to alter and change the name of Seth Stevens Rents of the county of Baker, to that of Seth Stevens Rowell, and legitimize the same.

A bill to authorize John W. Grantham to peddle and vend goods, wares and merchandize in the counties of Cobb, Cass Cherokee and Paulding, without taking out license.

A bill to create a new Circuit to be taken from Blue Ridge and Coweta Circuits.

A bill to regulate the peddling on clocks in this State.

A bill to repeal all laws consolidating offices of Receiver of Tax Returns and Tax Collector in the county of Irwin.

A bill to prohibit the payment of storage on Cotton in the city of Columbus by farmers after selling from their wagons.

A bill for the relief of William A. Clements of Stewart county.

A bill for the relief of James Hamby of Walker county.

A bill to add an additional Section of the tenth Division of the Penal Code of the State of Georgia.

A bill to legalize the past action of the Justices of the Inferior Courts of Bryan, Tattnall, Liberty, McIntosh and Glynn counties in reference to the granting of Land Warrants under Head Rights.

A bill to change the line between the counties of Gilmer and Pickens, and define the same.

A bill to authorize and require the Poor School Commissioners of the county of Warren to pay Ezra McCrary out of the Poor School fund of said county the amount paid by him as Justice of the Peace, out of his individual funds, for teaching poor children in said county for the years 1837 and 1838.

A bill to be entitled an act to authorize the Justices of the Inferior Court of the county of Fannin to lay off said county into School Districts, to appoint Trustees for the same, and to provide for the election of a Treasurer for each of said Districts, and for other purposes therein mentioned.

A bill to change and locate the north-western terminus of the Western & Atlantic Rail-road, and for other purposes therein specified.

A bill to make punishable, as a breach of the peace, the speaking of opprobrious words.

A bill to incorporate Pierce Female College, and for other purposes.

A bill to lay out and organize a new county from the counties of Randolph and Stewart, and for other purposes therein specified.

A bill to vest that portion of land known as the State's Reserve, below the city of Macon, in the corporate authorities of said city.

A bill to compensate Petit Jurors in the county of Marion.

A bill to compensate the owners of slaves who shall hereafter be executed under the Penal Laws of the State of Georgia.

A bill for the relief of Rachel Black.

A bill to compensate persons who may be compelled to attend the Superior Courts of this State as witnesses in behalf of Defendants in criminal cases, in counties other than where such person or persons may reside.

A bill to define the duties of the Judges of the Superior Courts of the several Judicial Circuits in this State, and to

prevent said Judges from presiding in, or determining causes wherein they have been retained as counsel previous to their election as Judges, to facilitate the trial of cases in Court, and reduce the expenses of witnesses, and for other purposes therein mentioned.

A bill to repeal an act, or so much as includes a portion of Murray county within the county of Fannin, and for other purposes therein mentioned.

A bill to add an additional Section to the tenth Division of the Penal Code of this State.

A bill to amend the original and amendatory acts authorizing certain Commissioners to raise, by lottery, a fund for the erection of monuments to Greene and Pulaski, in the city of Savannah.

A bill to authorize the County Surveyors in the several counties in this State, in the absence of the Justices of the Peace, or other officers authorized by law to administer oaths to Commissioners or Partitioners of Land when appointed to perform duties as Commissioners.

A bill to incorporate the Lagrange and Talladega Railroad Company.

A bill for the relief of Henry A. Clemmons.

A bill to alter and amend the fiftieth Section of the fourteenth Division of the Penal Code.

A bill to protect the citizens of the county of Worth from the injurious consequences of Camp hunting by non-residents.

A bill to reduce the Sheriff's bond of Worth county, &c.

A bill in relation to the Poor School fund of Talbot county for the year 1854.

A bill to amend an act entitled an act to authorize Mrs. Elizabeth Montfort to erect a mill-dam across Flint river, in the county of Crawford, upon certain conditions, assented to December 14th, 1849, and to provide a more adequate remedy for the abuse of said franchise.

A bill to amend the several acts in relation to the town of Athens.

A bill to compensate Grand and Petit Jurors of the county of Jefferson, and for other purposes.

A bill for the relief of teachers of poor children in the county of Decatur.

A bill to authorize Dr. J. J. M. Goss to practice medicine on the Eclectic system as taught in Cincinnati, Ohio.

A bill to incorporate Cotton Hill Male and Female Seminary in the village of Cotton Hill, Clay county.

A bill to prevent and make penal obstructions of any of the public roads of Troup county, by persons assembled thereon for the purpose of horse racing.

A bill to repeal an act entitled an act to regulate the testimony of Attorneys at Law, approved Feb. 21st, 1850.

A bill in relation to the Public Records of counties when the same has been destroyed by fire, declaring that all deeds and other instruments in writing, that have been recorded, shall be considered and taken as having been recorded, upon sufficient proof of execution, and declaring what shall be proof of the contents of records so destroyed.

A bill for the relief of Caroline McGill, wife of Archibald McGill, and daughter of John Hargroves of the county of Ware.

A bill to lay out and form a new county out of the counties of Irwin, Dooly and Pulaski, and to provide for the organization of the same.

A bill to be entitled an act to lay out the county of Towns, and for other purposes.

A bill to lay off and organize a new county out of the counties of Lee, Sumter, Dooly and Worth.

A bill to incorporate Laurens Lodge number seventy-five of Free and Accepted Masons of Laurens county.

A bill for the relief of the estate of Joseph White, deceased of the county of Stewart.

A bill to compel persons owning lands out of the county where they reside to give in their numbers, district and county where the lands lie.

A bill for the relief of Joseph Holstern of Macon county.

A bill for the protection of the rights of Eugene Allen a minor of Troup county.

A bill to change and fix the time of holding the Superior Court in the county of Merriwether, and for other purposes therein named.

A bill for the relief of George W. Mercer of the county of Early.

A bill to authorize bills of sale to be proven, recorded and admitted in evidence in certain cases therein specified.

A bill to authorize Dr. James G. McCrary of the county of Sumter to practise Medicine and Surgery and charge for the same.

A bill to extend the time for making the returns of the Tax Collector of Burke county, &c.

A bill to compel all persons owning six hundred or more acres of land in the county of Telfair to give in, and pay tax for the same in said county.

A bill to amend the Claim Laws of this State.

A bill to authorize George W. Thomas, Jr., a minor of the county of Sumter to hold property in his own name, to sue and be sued, contract and be contracted with, as though he had obtained his majority, and for other purposes.

A bill to repeal an act to require the Receivers of Tax Returns in the several counties of this State to ascertain the number of children in their respective counties, between

the ages of eight and sixteen years, and for other purposes therein named, approved February 18th, 1854, and to prescribe the mode in which the returns of children entitled to the benefit of the Poor School fund shall hereafter be made, in the several counties of this State.

A bill to provide for Common School Education, and for other purposes.

On motion the same was referred to the [Committee on Public Education and Free Schools.

A bill to grant State aid to the Georgia and Florida Railroad Company, upon certain conditions.

A bill to incorporate Dougherty Bridge Company, and for other purposes.

A bill to change the lines between the counties of Tatnall and Liberty, so as to include the residence of Henry Kicklighter in the county of Tatnall.

A bill to change the names of certain persons therein named, and to legitimize the same.

A bill to amend an act to secure a preference to persons in possession in applications for Grants under the laws pertaining to Head Rights, approved Feb. 17th, 1854.

A bill to alter the first Section of the third Article of the Constitution of this State.

On motion of Mr. Miller the same was made the special order of the day for Friday next.

A bill to require Sheriffs in this State to enforce Writs of Fieri Facias when placed in their hands, upon notice being given, under certain penalties therein prescribed.

A bill to appoint Commissioners of Pilotage for the navigable waters of the port of Darien in the county of McIntosh.

A bill to alter and amend the 3d Section of the 3d Article Constitution of the State of Georgia; by striking out the following words, to wit: "appointed by the Legislature," and inserting in lieu thereof, the following, to wit, "elected by the persons entitled to vote for members of the Legislature, at such times, and in such manner as the Legislature shall or may by law direct," and to add an additional Section to the first Article of the Constitution.

On motion of Mr. Miller the same was made the special order of the day for Friday next.

A bill to compensate Grand and Petit Jurors of the county of Pickens, and to authorize the Justices of the Inferior Court to levy an extra tax for that purpose.

A bill to sell into servitude all free persons of color remaining within the limits of the State of Georgia, from and after the twenty-fifth day of December, 1846, and for other purposes.

The following bills were severally read the second time,

and on motion referred to the Committee on the Judiciary, to wit:

A bill declaring under what circumstances the testimony of witnesses may be taken by commission and the manner of taking and returning the same, and appointing Commissioners to execute the same, and for other purposes therein mentioned,

Also, a bill declaring who shall be competent witnesses in the Courts of Law and Equity in this State, and for other purposes therein mentioned.

Also, a bill to alter and amend the first Section of the third Article of the Constitution of this State.

Also, a bill to prescribe the mode of taxing costs in the Supreme Court of this State.

Also, a bill to amend the Casa Laws.

Also, a bill to alter and amend the fourth Division of the Penal Code, and for other purposes therein mentioned.

Also, a bill to alter the liability of certain persons acting in a fiduciary character.

Also, a bill to alter the 1st Section of the 3d Article of the Constitution.

Also, a bill to alter and amend the 19th Section of the 1st Article of the Constitution of the State of Georgia.

Also, a bill for the preservation and protection of the rights of married women, and the distribution of their estates.

Also, a bill to allow Executors, Administrators and Guardians resident in other States or Territories to control Stocks and money in this State, and to empower Trustees to dispose of Stocks.

Also, a bill to abolish imprisonment for debt, except in certain cases.

On motion of Mr. Miller, Messrs. Calhoun, Hill, Rudisill, Fambro, Moore, Billups, McIntosh, Wingfield, Lawton, Long, Dabney, Harris and McMillan were added to the Committee on the Judiciary.

Leave of absence was granted, for a few days, to Messrs. Whitaker, Colbert and Gibson.

On motion the Senate then adjourned till Friday morning at ten o'clock.

FRIDAY, NOVEMBER 30th, 1855.

The Senate met pursuant to adjournment.

Mr. McMillan moved to reconsider so much of the Journal of Wednesday as relates to the bill for the relief of Elizabeth Martin.

Whereupon the yeas and nays were required to be recorded, and are yeas 39, nays 41.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Beall, Bloodworth, Brice, Calhoun, Cantrell, Causey, Coffee, Cone of Greene, Cumming, Fambro, Gordon, Grant, Griffin, Guerry, Harris of Taliaferro, Hays, Head, Jamison, King, Lawson of Burke, Long, Lott, McDonald, McIntosh, McMillan, Moore of Cobb, Murphy, Murray, Nichols, Patterson of Gilmer, Sapp, Shropshire, Simms, Smith, White and Wingfield.

Those voting in the negative are Messrs. Allred, Baxter, Billups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Carlton, Chastain, Colbert, Cone of Bulloch, Crowder, Dabney, Dunnagan, Dupree, Gray, Hardeman, Hines, Knight, Lawton, Maddux, McCrimmon, McGuire, Miller, Moody, Moore of Lincoln, Moreland, Morris, Peeples, Pharr, Ponder, Pope, Rudisill, Scott, Spalding, Studstill, Sumner, Turner, Wales, Wellborn and Wynn.

So the motion to reconsider was lost.

Mr. Brice reported a bill to be entitled an act to prevent citizens of other States, retailing and peddling jug or hollow iron in this State, which was read the first time.

Mr. Buchanan reported a bill to be entitled an act to change a part of the seventh section of the second article of the Constitution, which was read the first time. Also,

A bill to be entitled an act to repeal the first, second and third sections of an act entitled an act to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same, and to punish for a violation of the same, and to repeal an act entitled an act to guard and protect the citizens of this State against the unwarrantable and too prevalent use of deadly weapons, assented to the 25th December, 1837, approved January 12th, 1852, which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to incorporate "the Georgia Air Line Rail-road Company, and to confer on them certain powers and privileges therein mentioned. Also,

A bill to be entitled an act for the perpetuation of testimony in certain cases, which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to amend an act entitled an act to incorporate the village of Ringgold in Walker, now Catoosa, county, approved December 27th, 1847, to define the boundary of said incorporation, and to confer certain powers upon the Commissioners of said village.

A bill to be entitled an act to add an additional section to the Penal Code.

A bill to be entitled an act to exempt all persons over for-

ty-five years of age, from patrol duty, and to shorten the time of service of patrol companies, from six to three months.

A bill to be entitled an act to authorise the Justices of the Inferior Court of the county of Catoosa, to levy an extra tax for county purposes, upon a recommendation of the Grand Jury of said county.

A bill to be entitled an act to make and constitute Anastatia Lorentine Horne of the county of Bibb a sole trader.

A bill to be entitled an act for the relief of Spencer Caldwell of the county of Clay.

A bill to be entitled an act to repeal an act entitled an act to amend the tenth division of the Penal Laws of this State.

A bill to be entitled an act to legitimatize and change the names of certain persons therein named, and for other purposes.

A bill to be entitled an act to change the residence of John W. Darricoot of the county of Warren to the county of Taliaferro.

A bill to be entitled an act to incorporate the Bibb County Orphan Asylum.

A bill to be entitled an act to amend an act to alter and amend the several judiciary acts now in force in this State, so far as relates to the Justices' Courts, and to enlarge the jurisdiction of Justices of the Peace in Fulton county.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk:

Mr. President—I am directed by the House of Representatives to inform the Senate that they will be ready to adjourn on the 20th December, *sine die*.

Mr. Carlton reported a bill to be entitled an act to authorise and require interest to be recovered on open accounts in certain cases, which was read the first time.

Mr. Cantrell reported a bill to be entitled an act to amend the Judiciary Act of 1799, so far as relates to the jurisdiction of Justices of the Peace, in relation to cases sounding in damages, so far as respects the county of Lumpkin.

Mr. Cone of Greene reported a bill to be entitled an act to add an additional section to the Ninth Division of the Penal Code, which was read the first time.

Also, a bill to be entitled an act to add an additional section to the sixth division of the Penal Code, which was read the first time.

Mr. Coffee reported a bill to be entitled an act to lay out a Judicial Circuit to be called the North Eastern Circuit, which was read the first time.

Mr. Dabney reported a bill to be entitled an act to define the line between the counties of Gordon and Floyd, and for other purposes, which was read the first time.

Mr. Gordon reported a bill to add a part of the county of Catoosa to the county of Walker, to define the county line

between said counties, and for other purposes therein mentioned, which was read the first time.

Mr. Hardeman reported a bill to be entitled an act to incorporate a bank to be located in the city of Macon to be called "the Bank of Middle Georgia," which was read the first time.

Mr. Smith moved to print 125 copies of the same, which was lost.

Mr. Lawton reported a bill to be entitled an act to incorporate the town of Lamar in the county of Baker, which was read the first time.

On motion, leave of absence was granted for a few days to Messrs. Swinney, Cumming, Harris of Worth, Lawson of Houston, Gibson and Hamilton.

Mr. Lawton, Chairman of the Finance Committee, presented a report, one hundred and twenty copies of which were ordered to be printed for the use of the Senate.

Mr. Moore of Cobb reported a bill to lay off and organise a new county from the counties of Cherokee, Cass and Paulding, and for other purposes, which was read the first time.

Mr. Pope offered the following resolution, to-wit:

Resolved, That the following be added to the standing rules of the Senate—"No Senator shall speak more than fifteen minutes upon any bill or resolution that may be under consideration, nor shall any Senator speak more than once on the same subject, unless by special leave of the Senate.

Mr. Rudisill reported a bill to be entitled an act for the relief of Henry Cox of the county of Washington, which was read the first time.

Mr. Sapp reported a bill to compensate the Grand Jurors of Baker county, which was read the first time.

Mr. Shropshire reported the following resolution, to-wit:

Resolved, That the several Committees be requested to make their several reports to this body at as early a day as practicable that they may be acted on with a view to the adjournment of the General Assembly *sine die* on the 22d December next.

The Senate took up the special order of the day, which was the consideration of the report of the Committee of the Whole, on a bill to incorporate a bank in the town of Athens, to be called the "Bank of Athens," with certain amendments.

Mr. Calhoun moved to amend the 18th section by adding the amendments proposed by the Committee on Banks, which motion was agreed to.

Mr. Cone moved to strike out the 18th section.

Pending the discussion thereon, on motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the unfinished business of the morning, which was the consideration of the report of the Committee of the Whole upon the bill to incorporate a bank in the town of Athens.

On motion of Mr. Miller, the 11th section was amended by unanimous consent, so as to make the amendment of the Committee on Banks, read as follows :

And be it further enacted by the authority aforesaid. That no one shall subscribe for, own, or purchase stock in said Bank, unless he or she be a citizen of Georgia. The private or individual property of each Stockholder as well as their joint property shall be liable as before stated, for the redemption of the bills of the said Bank, and for the payment of all the debts and liabilities of the same, and when any Judgment shall be obtained against said Bank and Execution issued thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same, and if the proceeds thereof shall be insufficient to pay off said Execution, and the return of said officer of "no corporate property" shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any Stockholder or Stockholders and sell the same until an amount is raised sufficient to pay off said Execution. Each Stockholder only to be liable in proportion to the amount of his Stock, and that any Stockholder who pays off any such Execution, or any part thereof, shall have the right to use and control the same *fi fa* against all the other Stockholders so as to collect the rateable share out of each of them.

Upon the question to strike out the 18th section, the yeas and nays were required to be recorded, and are yeas 50, nays 32.

Those voting in the affirmative are Messrs. Adams, Allred, Avery, Beall, Bloodworth, Brice, Brown of Gwinnett, Cantrell, Carlton, Causey, Coffee, Cone of Bulloch, Cone of Greene, Dabney, Dixon, Dunnagan, Fambro, Gray, Griffin, Guerry, Harris of Taliaferro, Hays, Head, Hines, Jeter, King, Lawson of Burke, Lott, McDonald, McIntosh, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Nichols, Patterson of Gilmer, Ponder, Ragan, Reddish, Riley, Roddenberry, Sapp, Simms, Smith, Studstill, Sumner, Welborn, White and Wingfield.

Those who voted in the negative are Messrs. Ashe, Atkinson, Billups, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Chastain, Dupree, Grant, Hardeeman, Hill, Knight, Lawton, Long, Maddux, Mar-

shall, McGuire, McMillan, Miller, Moody, Morris, Peeples, Pharr, Pope, Rudisill, Shropshire, Scott, Spalding, Turner, Wales and Wynn.

So the motion to "strike out" prevailed.

Mr. Cone of Greene then offered his amendments as additional sections to the bill; pending which,

On motion of Mr. Miller, the bill and amendments were laid on the table for the present.

On motion, leave of absence was granted for a few days to Messrs. Landrum and Baxter.

The Senate proceeded to the special order of the day, which was the consideration of the report of the Committee of the Whole upon a bill passed at the last session of the General Assembly, according to the provisions of the Constitution of this State, to be entitled an act to amend the first section of the third article of the Constitution of the State of Georgia.

The report was agreed to, and the bill was read the third time, and on the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 54, nays 27.

Those voting in the affirmative are Messrs. Adams, Bil-lups, Bloodworth, Brice, Brown of Baldwin, Buchanan, Calhoun, Camden, Cantrell, Causey, Cone of Greene, Crowder, Dabney, Dixon, Dupree, Fambro, Grant, Hardeman, Harris of Taliaferro, Head, Hill Hines, Jeter, King, Knight, Lawson of Burke, Lawton, Long, Lott, Maddux, Marshall, McDonald, McGuire, McIntosh, McMillan, Miller, Moody, Moore of Lincoln, Murphy, Murray, Nichols, Patterson of Gilmer, Peeples, Pharr, Pope, Ragan, Reddish, Rudisill, Sapp, Shropshire, Scott, Spalding, Turner, Wales and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Avery, Beall, Brown of Gwinnett, Carlton, Chastain, Coffee, Cone of Bulloch, Dunnagan, Gray, Griffin, Guerry, Hays, Jamison, Moore of Cobb, Moreland, Morris, Ponder, Riley, Roddenberry, Simms, Smith, Sumner, Well-born and White.

There being a tie, the President voted in the affirmative and pronounced the bill to be passed.

On motion of Mr. Spalding, the rules were suspended, and the bill to sell the Western and Atlantic Rail-road, and for other purposes, was referred to a select committee of five.

The Senate proceeded to the special order, which was the consideration of the report of the Committee of the Whole, upon a bill from the House of Representatives, passed at the last session of the General Assembly according to the provisions of the Constitution of this State, To be entitled an act to alter and amend the third section of the third article of the Constitution of the State of Georgia, by stri-

king out the following words, to-wit: "appointed by the Legislature," and inserting in lieu thereof, the words following, to-wit: "elected by the persons entitled to vote for members of the Legislature, at such times and in such manner as the Legislature shall or may by law direct, and to add an additional section to the first article of the Constitution."

On motion of Mr. Hardeman, the Senate then adjourned till ten o'clock to-morrow morning.

SATURDAY, DECEMBER 1st, 1855.

The Senate met pursuant to adjournment.

Mr. Miller moved to reconsider so much of the Journal of yesterday as related to the action of the Senate, in striking out the 18th Section of a bill to incorporate a Bank in the town of Athens to be called "The Bank of Athens."

Whereupon the yeas and nays were required to be recorded, and are yeas 43, nays 41.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Billups, Brown of Baldwin, Buchanan, Calhoun, Camden, Causey, Chastain, Crowder, Dixon, Dupree, Grant, Guerry, Hardeman, Hill, Jamison, Knight, Lawton, Long, Lott, Maddux, Mars all, McCrimmon, McGuire, McMillan, Miller, Moody, Morris, Peebles, Pharr, Pope, Reddish, Renfro, Rudisill, Shropshire, Scott, Spalding, Turner, Wales, Welborn, Wingfield and Wynn.

Those voting in the negative are Messrs. Adams, Allred, Avery, Beall, Bloodworth, Brice, Brown of Gwinnett, Cantrell, Carlton, Coffee, Cone of Bulloch, Cone of Greene, Dunnagan, Fambro, Gray, Gordon, Griffin, Harris of Taliaferro, Hays, Hines, Jeter, King, McDonald, McIntosh, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Nichols, Patterson of Gilmer, Ponder, Ragan, Riley, Roddenberry, Sapp, Simms, Studstill, Sumner, Ware and White.

So the motion to reconsider prevailed.

Mr. Adams reported a bill to be entitled an act to confer certain privileges upon James J. Boyett of the county of Randolph, and to make lawful his acts, and to give him authority to transact business as though he were of full age; which was read the first time.

Mr. Chastain reported a bill to be entitled an act to prevent obstructions to the free passage of fish in the Toccoa river, through the county of Fannin in this State, and to make penal the same; which was read the first time.

Mr. Cone of Greene, reported a bill to incorporate the city of Greensboro' to provide for its government, define its pow-

er, and for other purposes therein mentioned; which was read the first time.

Also, a bill to incorporate a Bank in the town of Greensboro' to be called "The Bank of Greensboro"; which was read the first time.

Mr. Fambro reported a bill to be entitled an act to compel the Superintendent of the Western & Atlantic Rail-road to sell such iron and other articles as may become useless to said Road, at public outcry, and for other purposes therein mentioned; which was read the first time.

Also, the following resolution, to wit:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor cause the Superintendent of the Western & Atlantic Rail-road to report to the General Assembly at as early a day as practicable, the amount of Iron taken up on said Road, since the last session of the General Assembly; what amount of said iron has been sold, when sold and how sold, whether publicly or privately, to whom sold, and for what price, and how much remains on hand unsold, and whether or not there is any contract for the iron to be taken up? if so, for how much, and for what price, and to whom sold.

Mr. Hays reported a bill to grant the aid of the State of Georgia to the South-Western Rail-road Company; which was read the first time.

Mr. King reported a bill to be entitled an act to forfeit the wife's right of dower in certain cases; and to forfeit the right of the husband to his wife's property, in certain cases therein specified, and for other purposes; which was read the first time.

Mr. Lawton offered the following resolution, to-wit:

Resolved, That it is made the duty of the Secretary to call the Senators' names alphabetically for the introduction of new matter, on Tuesdays and Fridays only of each week, immediately after the reading of the Journals.

Mr. Long offered the following resolution, to wit:

Resolved, That the Secretary of the Senate inquire of the House of Representatives, whether they cannot arrange their business so as to adjourn on the 5th of December next, *sine die*.

Mr. Murphy reported a bill to be entitled an act to change the election precinct in DeKalb county from Cross Keys to George Baxter's on Lot of Land No. 278 in the 18th District of said county; which was read the first time.

Mr. Sims reported a bill to incorporate a Bank in the town of Bainbridge to be called "The Southern Bank of Georgia"; which was read the first time.

Mr. Ware offered the following resolution, to wit:

Resolved, That his Excellency the Governor be, and he is

hereby requested to furnish a clock for the use of the Senate.

On motion of Mr. Head the rules were suspended, and the following bill of the House was taken up for a second reading, to-wit :

A bill to change certain county lines therein enumerated, which on motion of Mr. Dixon was made the special order for Monday next,

The rules were further suspended, and the resolution in relation to inquiring of the House of Representatives in relation to adjournment, *sine die*, was taken up and agreed to.

The following Committee was announced by the Chair to whom was referred the bill to sell the Western & Atlantic Rail-road, to wit : Messrs. Spalding, Murphy, Miller, Lawton and Moore of Cobb.

On motion the Senate then adjourned until Monday morning at ten o'clock.

MONDAY, DECEMBER 3rd, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Lawson of Burke, Mr. Cone of Bulloch was called to the Chair to organize the Senate in the absence of the President.

On motion of Mr. Lawson of Burke the Senate proceeded to the election of a President pro tem, when on receiving and counting out the ballots it appeared that the Honorable Andrew J. Miller, the Senator from Richmond county, was duly elected.

On motion, Messrs. Lawson of Burke, Coffee and Chastain were appointed to notify the President elect, and request his acceptance, and conduct him to the Chair.

The President elect, on taking the Chair, addressed the Senate, and returned his acknowledgments.

On motion of Mr. Lawton the resolution offered on Saturday, making it the duty of the Secretary, to call the roll on Tuesdays and Fridays only for the introduction of new matter, was taken up read, and agreed to.

The following Committee under the resolution in relation to weights, was announced by the Chair, to wit : Messrs. Cone of Greene, Lawson of Burke and Grant.

Mr. Cone from the Committee on the Judiciary, presented the following report, to wit :

The Committee on the Judiciary have had under consideration the following bills, and have instructed me as their Chairman to make the following report :

1st. A bill limiting the time in which suits in the Courts of Law must be brought, and for other purposes, which bill

they report without any additional amendment and recommend that it pass. ●

2d. A bill to allow Executors, Administrators and Guardians in other States to control Stocks in this State, and for other purposes, which bill they report without amendment, and recommend that it pass.

3d. A bill to alter the liability of certain persons acting in fiduciary character, which bill they report without amendment and recommend that it pass.

4th. A bill to amend the Casa Laws, which bill they report without amendment, and recommend that it do not pass.

5th. A bill declaring under what circumstances the testimony of witnesses may be taken by commission and for other purposes, which bill they report with amendments, which will appear on a printed copy of said bill herewith returned.

6th. A bill to alter and amend the fourth division of the Penal Code, which bill they report with an amendment striking out the word used in the fifth line of the third Section, and inserting in place thereof the word "concealed." Also that said bill be amended by striking out the fifth Section, and they recommend that said bill so amended do pass.

Mr. Lawson of Burke presented a petition in relation to a new county, which was referred to the Committee on New Counties, without being read.

Mr. Gibson offered the following resolution, which was taken up, read and agreed to, to wit :

Resolved, That the Secretary communicate forthwith to the House of Representatives, that the Senate had made choice of the Honorable Andrew J. Miller, as President pro tempore, in the absence of the Hon. D. J. Bailey.

The Senate proceeded to the special order of the day which was the consideration of the report of the Committee of the Whole upon a bill from the House, passed at the last session of the General Assembly, to wit :

An act to alter and amend the 3d Section of the 3d Article of the Constitution of the State of Georgia, by striking out the following words, to wit : "appointed by the Legislature," and inserting in lieu thereof, the words following, to wit, "elected by the persons entitled to vote for members of the Legislature, at such times, and in such manner as the Legislature shall or may by law direct," and to add an additional Section to the first Article of the Constitution.

Mr. Spalding moved to strike out the second Section, which motion was lost.

The report of the Committee was then agreed to, the bill was read the third time, and upon the passage of the bill, the yeas and nays were recorded, and are yeas 73, nays 9.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Avery, Baxter, Beall, Billups, Blood-

worth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Causey, Chastain, Cone of Bulloch, Cone of Greene, Crowder, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Grant, Guerri, Hardeman, Hill, Hines, Jeter, King, Knight, Lawson of Burke, Lawton, Lott, Maddux, Marshall, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Peeples, Pharr, Ponder, Pope, Reddish, Renfro, Riley, Roddenberry, Rudisill, Shropshire, Simms, Scott, Spalding, Studstill, Sumner, Turner, Wales, Welborn, White and Wynn.

Those voting in the negative are Messrs. Brown of Baldwin, Carlton, Coffee, Griffin, Harris of Taliaferro, Jamison, Long, Sapp and Ware.

So the bill passed by a Constitutional majority.

On motion of Mr. Atkinson the resolutions lying upon the table were taken up.

The following resolution was taken up, to wit :

Whereas the city of Brunswick within the limits of this State, situated near the confluence of the Altamaha, Satilla and St. Mary's rivers, which stand unrivalled on this continent in the quantity and quality of virgin timbers, to be found on, and near their banks, suitable for building of ships, is a point, for ease and safety of access, for health, climate, and cheapness of all those materials for building, provisioning and outfit of ships, eminently qualifying it for becoming an extensive navy yard.

And, whereas, rail-roads now in process of construction will, in a few years, connect this point directly with the best provisioned regions of the United States :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That in accordance with the recommendations of his Excellency the Executive of this State, our Senators be instructed, and our Representatives in Congress be requested to use all proper means and influences in urging this subject upon the General Government, and the necessity of speedy action thereon.

Resolved, That a copy of these resolutions together with the message of the Executive of this State herein referred to be forwarded by his Excellency to the Secretary of the Navy, and to each of our Senators and Representatives in Congress.

Mr. Spalding moved to amend the same by inserting the following, to wit :

Whereas the Southern Atlantic coast of the United States from Cape Hatteras to the extremity of the Cape of Florida, a distance of six hundred miles or more is without a single Navy yard for the construction and repair of ships of war, and for the protection of the commerce of that region, while

on our own coast north of Hatteras over a distance, not materially different, there are distributed no less than six Navy yards where ships of war are constructed and repaired chiefly with southern timber: And whereas, it is confidently believed that there are on the coast of Georgia one or more harbors possessing all requisite advantages for the establishment of a Navy yard, viz, sufficient depth of water, an ample roadstead and freedom from malarious influences, be it therefore,

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That our Senators in Congress be instructed, and our Representatives requested to impress upon the Federal Government the importance of the establishing a Navy yard on the coast of Georgia, and that they urge to that end a full and searching examination of the harbors of Georgia.

Mr. Long moved to refer the resolution and amendment to a Select Committee, which motion was lost.

Mr. Spalding moved to strike out of the original resolution all after the word "whereas," and insert his amendment in lieu thereof, upon which the yeas and nays were required to be recorded and are yeas 27, nays 54.

Those voting in the affirmative are Messrs. Baxter, Bilups, Brown of Baldwin, Coffee, Cone of Bulloch, Crowder, Dunnagan, Fambro, Guerrey, Harris of Taliaferro, Hays, Hill, Hines, Maddux, Marshall, McCrimmon, McIntosh, Moore of Lincoln, Peeples, Ragan, Simms, Scott, Spalding, Strickland, Turner, Wales and Wynn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Avery, Beall, Bloodworth, Brice, Buchanan, Calhoun, Camden, Cantrell, Carlton, Causey, Chastain, Cone of Greene, Dupree, Gray, Gibson, Gordon, Griffin, Hardeman, Jamison, Jeter, King, Knight, Lawson of Burke, Lawton, Long, Lott, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Moreland, Morris, Murray, Nichols, Patterson of Gilmer, Pharr, Pope, Reddish, Renfro, Riley, Roddenberry, Rudisill, Sapp, Shropshire, Sumner, Ware, Welborn, White and Wingfield.

So the motion was lost.

The resolution was then agreed to.

The following resolution was taken up, and on motion the same was laid on the table, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia, That a Joint Committee of five be appointed to be composed of three from the House and two from the Senate, whose duty it shall be to proceed to the Western & Atlantic Rail-road and make a thorough examination of said Road, its equipment, finances, management, and all other matters relating to said Road, and that said Committee may discharge its duties more efficiently they are hereby

empowered to procure such advice and assistance as they may deem necessary; said Committee shall examine the books and papers connected with the operations of said Road, and shall have power to compel the attendance of all persons whose testimony they may desire in the discharge of their duties, and they may call upon the Superintendent and all other officers and agents of said Road, for such information and assistance in the discharge of their duties as they may deem proper; and it shall be the duty of said Committee to examine into the propriety of selling or discontinuing so much of said Road as reaches into the State of Tennessee, also into the causes and foundations for the law suits that have been recovered, and that are now pending against said State for damages done by said Road, and that said Committee report by bill or otherwise.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary:

Mr. President—I am directed by the Governor to transmit to the Senate a communication in writing with accompanying documents:

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., December 3rd, 1855. }

To the Senate:

In compliance with your resolution, I have the honor, herewith, to transmit to the Senate, copies of all the returns made by the Atlanta Bank, to this Department, since the Bank went into operation; said returns being those required to be made by the act approved February the 21st, 1850.

HERSCHEL V. JOHNSON.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to authorize the Justices of the Inferior Court of the county of Polk to levy an extra tax for county purposes upon the recommendation of the Grand Jury of said county.

A bill to be entitled an act to incorporate Sandy Run Academy in the county of Houston, and to appoint Trustees for the same.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Paulding county to levy an additional tax on the State tax not exceeding two hundred per centum.

A bill to be entitled an act declaratory of the intention of the act entitled an act for the relief of honest debtors, approved on the 19th December, 1823.

A bill to be entitled an act to change the line dividing the counties of Coweta and Merriwether, and also, to change the line of Pickens and Cherokee, so as to add Lot of Land

No. 133 in the 23d District, 2d Section to Cherokee county.

A bill to be entitled an act assented to 24th December, 1847, entitled an act to incorporate the Muscogee Asylum for the Poor, to make provision for their support, and authorize the Inferior Court of Muscogee county to bind out the poor children to said corporation, under certain circumstances, and to provide for their education.

A bill to be entitled an act to alter and change the name of the county of Kinchafoonnee, and for other purposes therein specified.

A bill to be entitled an act for the relief of Joseph L. Robinson of the county of Appling.

A bill to be entitled an act to incorporate Randolph College in Cuthbert, Georgia.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Chatham county to borrow money, and levy and collect an extraordinary tax for the building of a new Jail for said county.

They have also passed the following bills of the Senate, to wit:

A bill to be entitled an act to amend an act entitled an act to incorporate the Brunswick Improvement Company, passed on the 9th February, 1854.

A bill to add a part of the county of Ware to the county of Charlton.

Mr. Guerry from the Committee on Enrolment reported as duly enrolled and ready for the signature of the President, an act to add a part of the county of Ware to the county of Charlton.

Mr. Peeples from the Committee on Internal Improvements, made the following report, to-wit:

The Committee on Internal Improvements to whom was referred the bill to give the aid of the State to the Brunswick and Florida Rail-road Company, upon certain conditions therein named, having had the same under consideration ask leave to report, that the Committee are not agreed upon the subject of granting State aid to rail-roads in this State as a general proposition, but that if the Legislature shall determine that such a measure is to become a part of the policy of the State, we are all agreed that each measure as this presented should be narrowly and strictly scrutinized, and be made to stand upon its separate merits, without becoming a part of a system. The committee herewith report upon the particular bill before them, that they are not satisfied with the original, and herewith report a bill as a substitute for the same, which the committee consider as having great claims to the support of the General Assembly. If State aid is to be granted to any road making an application therefor, by the present General Assembly, we recommend the passage of this bill. All of which is respectfully submitted.

C. PEEPLES, Chairman.

The following resolution was taken up and agreed to, to wit :

That the Judiciary Committee be instructed to inquire into the expediency of providing by law for the appointment of a Public Administrator in each of the counties, in this State and that said committee report by bill or otherwise.

The following resolution was taken up, to-wit : .

Resolved, That the Committee on Internal Improvements be instructed to bring in a bill for the sale, or other disposition of the Western & Atlantic Rail-road.

On motion of Mr. Hardeman the same was postponed indefinitely.

The following resolution was taken up, to-wit :

Resolved, That from and after the 5th inst., the regular hour for the meeting of the Senate shall be nine o'clock, A. M., and three o'clock, P. M., until otherwise ordered by the Senate.

On motion of Mr. Nichols the same was postponed indefinitely.

The following resolution was taken up, to-wit :

That that portion of the Governor's Message relating to the Public Printing be referred to a special Committee of one from each Congressional District.

The same was agreed to.

The following committee was announced by the Chair, under the foregoing resolution, to-wit :

Messrs. Pope from the 8th District, Atkinson from 1st Dist., Wales from the 2nd Dist., Gibson from the 3d Dist., Murphy from the 4th Dist., Dabney from the 5th Dist., McMillan from the 6th Dist., Wingfield from the 7th Dist.

The following resolution was taken up and agreed to, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That our Senators and Representatives in Congress from this State are hereby requested to use their best efforts to have a mail route established for a tri-weekly mail from Americus, Georgia, via Plains of Dura, McIntosh, Richland. Lumpkin and Bladen Creek, to Eufaula, Alabama, said mail to be carried in two horse backs.

The following resolution was taken up, to wit :

Whereas the Statute Laws of this State require revision and many alterations and amendments, and whereas, also, many amendments to the Constitution are also necessary, to accomplish which in the most deliberate and perfect manner, be it

Resolved, That a Committee of five be appointed to prepare and report to this body by bill or otherwise, such alterations and amendments of our Statute Laws and the Constitution as are necessary.

To which Mr. Cone of Greene offered the following substitute, to wit :

Resolved, There be a committee of three members, whose duty it shall be to digest, prepare and make a civil and criminal code of laws for the government of the people of this State, that they arrange said laws under appropriate heads and in suitable and proper chapters and sections and that said laws be written in a plain easy and concise style so that the same may be easily understood, and that they arrange all laws upon the same subject matter under the same title, and that said Committee divide their labors in such manner as they shall think proper, and that they make report to the next Senate.

On motion of Mr. Cone the original and substitute were laid on the table for the present.

The following resolution was taken up and laid on the table for the present, to wit :

Resolved by the Senate and House of Representatives, That the General Assembly do convene in the Hall of the House of Representatives on Tuesday the 27th inst., to proceed to the election of a State Printer for the years 1857 and 1858.

The following resolution was taken up read and agreed to, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor cause the Superintendent of the Western & Atlantic Rail-road to report to the General Assembly at as early a day as practicable, the amount of iron taken up on said Road since the last session of the General Assembly, what amount of said iron has been sold, when sold and how sold, whether publicly or privately, to whom sold and for what price, and how much remains on hand unsold, and whether or not there is any contract for the iron to be taken up, if so, for how much, and for what price, and to whom sold ?

The following resolution was taken up, and laid on the table for the present, to-wit :

Resolved, That the following be adopted as one of the standing rules of the Senate : That no bill or resolution shall be reconsidered, unless by a vote of two-thirds of the Senators present, except bills introduced to pardon persons convicted of capital offences.

The following resolution was taken up, and on motion postponed indefinitely, to-wit :

Resolved, That the following shall be one of the standing rules of the Senate : When a bill has passed the House of Representatives and been sent to the Senate, and such bill shall be received as a substitute for any bill pending in the Senate, such substituted bill shall not be put upon its passage until it has been read three times on three several days, agreeable to the provisions of the Constitution.

The following resolution was taken up, read and agreed to, to-wit:

Resolved, That his Excellency the Governor be, and he is hereby authorized to cause to be forwarded to the Justices of the Inferior Court of the county of Polk, four copies of Cobb's Analysis and Forms, for the use of said county.

The following resolution was taken up, and on motion the same was disagreed to:

Resolved, That his Excellency the Governor be, and he is hereby requested to furnish a clock for the use of the Senate.

The following resolution was taken up, and on motion the same was postponed indefinitely, to-wit:

Resolved, That the following be added to the standing rules of the Senate: No Senator shall speak more than fifteen minutes upon any bill or resolution that may be under consideration, nor shall any Senator speak more than once on the same subject, unless by special leave of the Senate.

The following resolution was taken up, and on motion postponed indefinitely, to-wit:

Resolved, That a Committee of five on the part of the Senate to join such Committee as may be appointed on the part of the House of Representatives, to examine into, and report upon the present condition of the Western & Atlantic Rail-road, and what disposition, if any, is proper to be made of said Road.

The following resolution was taken up, and on motion laid on the table, to-wit:

Resolved, That the several Committees be requested to make their several reports to this body at as early a day as practicable that they may be acted on with a view to the adjournment of the General Assembly, *sine die*, on the 22nd December next.

The following resolution was taken up, to-wit:

Resolved, That until otherwise directed, the meetings of this branch of the General Assembly shall be at 9 1-2 o'clock, A. M., and its daily sessions shall close at 2 1-2, P. M.

On motion of Mr. Long 2 1-2 was struck out, and "2" inserted.

On motion the resolution as amended was postponed indefinitely.

The following resolution was taken up and agreed to, to-wit:

Resolved, That so much of the biennial message of the Governor as relates to the Western & Atlantic Rail-road, and all matters connected therewith, be referred to the Committee on Internal Improvements to consider and report thereon to this body.

On motion leave of absence, on account of indisposition, was granted to Mr. Dixon, and also to Mr. Sumner.

On motion the bill to grant aid to the Brunswick and Flor-

ida Rail-road was made the special order for Thursday next, and 120 copies of the same ordered to be printed.

On motion the Senate then adjourned till 3.o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment..

The Senate proceeded to the special order of the day, which was the consideration of the report of the Committee of the Whole, upon a bill to change certain county lines therein enumerated, from the House of Representatives.

The report was agreed to, the bill was read the third time, and passed under the title thereof.

On motion the Senate took up the following resolution from the House of Representatives, to-wit :

Resolved by the Senate and House, That his Excellency the Governor be requested to inform the General Assembly whether, in his judgment, the duties and labors of the Surveyor General have not been so far diminished by the completion of the granting of land, as to render the further continuance of the office unnecessary, and whether said office and its business, might not with benefit to the public interest, be transferred to the office of Secretary of State, by a slight increase of salary of the latter.

Mr. Long moved to postpone the same indefinitely, which was lost.

On motion the resolution was disagreed to.

The following resolution was taken up, to-wit :

Resolved, That a Committee of one from each Judicial Circuit be appointed from the House to join a like Committee from the Senate, to whom shall be referred all matters involving the equalization of the labor of the said Circuits and the creation of new ones and have appointed on their part, from Chattahoochee Circuit, Jones—Cherokee, Crook—Eastern, Lawton—Flint, Ward—Macon, Felton—Blue Ridge, Bradford—Ocmulgee, Dawson—South-Western, Bartlett—Southern, Jones of Lowndes—Western, Lowe—Northern, Lewis—Middle, Milledge—Coweta, Harris of Fulton.

The resolution was agreed to.

The following resolution was taken up, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That a Committee of five be appointed on the part of the House to join such Committee as may be appointed on the part of the Senate to ascertain what amount or number of Clerks is necessary for the Clerk of the House and Secretary of the Senate and report thereon.

On motion the same was indefinitely postponed.

The Senate took up the following resolution, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly, That a Committee of three be appointed on the part of the House and two on the part of the Senate, who shall form a Joint Committee whose duty it shall be to proceed to the Western and Atlantic Rail-road and make a thorough examination of said Road, its finances, equipment, rates of freight, whether equal, unequal, partial or impartial, and its management general, and all other matters pertaining to said Road of interest to the State. And that said committee may discharge their duties more efficiently they are hereby empowered to procure such assistance as they may find necessary to examine all books and papers connected with the business of said Road to compel the attendance of all persons whose testimony they may desire, and to call upon the Superintendent and all other officers and agents of said Road, for such information as they may desire, necessary in the discharge of their duties.

And be it further resolved, That all bills now before the House or Senate relating to the Western & Atlantic Rail-road in any manner whatsoever be postponed until the report of said Committee.

Resolved further, That if after the examinations made by the Road Committee the management and business and books of the Road shall appear to be in bad condition and keeping, that they be instructed and empowered to bring with them to Milledgeville all the books and other papers connected with its management, which may be of service to the Legislature in the further examination of the same.

Mr. Long offered the following amendment, "appointing three gentlemen not members of the Legislature, and they to report to the next Legislature."

On motion the question was divided.

Mr. Cone of Bulloch moved to postpone the same, and make it the special order for Friday next, upon which the yeas and nays were required to be recorded and are yeas 40, nays 44.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Avery, Beall, Brown of Gwinnett, Camden, Causey, Cone of Bulloch, Dnnnagan, Gibson, Gordon, Guerry, Harris of Talliaferro, Howell, Long, McCrimmon, McDonald, Moody, Moore of Cobb, Moreland, Murphy, Patterson of Gilmer, Peeples, Ponder, Reddish, Renfroe, Robinson, Roddenberry, Sapp, Shropshire, Simms, Scott, Spalding, Studstill, Sumner, Ware, Wingfield and Wynn.

Those voting in the negative are Messrs. Baxter, Billups, Bloodworth, Brice, Brown of Baldwin, Buchanan, Calhoun,

Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Dupree, Fambro, Gray, Grant, Griffin, Hardeman, Hill, Hines, Jamison, Jeter, King, Knight, Lawton, Lott, Maddux, Marshall, McGuire, McIntosh, McMillan, Moore of Lincoln, Morris, Murray, Pope, Ragan, Riley, Rudisill, Swinney, Turner, Wales, Welborn and White.

So the motion was lost.

Mr. Lawton moved to postpone the same indefinitely, upon which motion the yeas and nays were required to be recorded, and are yeas 23, nays 59.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Brice, Brown of Gwinnett, Buchanan, Causey, Chastain, Cone of Bulloch, Guerry, Lawton, McGuire, McMillan, Moore of Cobb, Moreland, Murphy, Patterson of Gilmer, Ponder, Reddish, Sapp, Shropshire, White and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Baxter, Beall, Billups, Bloodworth, Brown of Baldwin, Calhoun, Camden, Cantrell, Carlton, Coffee, Cone of Greene, Crowder, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Grant, Griffin, Hardeman, Harris of Taliaferro, Hill, Hines, Jamison, Jeter, King, Knight, Long, Lott, Maddux, Marshall, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Morris, Murray, Peeples, Pope, Ragan, Renfro, Riley, Robinson, Roddenberry, Rudisill, Simms, Scott, Spalding, Studstill, Sumner, Turner, Wales, Ware, Welborn and Wingfield.

So the motion to postpone indefinitely was lost.

On motion the Senate then adjourned till to-morrow morning at 10 o'clock.

TUESDAY, DEC. 4th, 1855.

The Senate met pursuant to adjournment.

Mr. Calhoun reported a bill to be entitled an act for the relief of Barnard Dugan of the county of Fulton, which was read the first time. Also,

A bill to be entitled an act to incorporate a bank in the city of Atlanta, to be called "The State Bank of Georgia," which was read the first time.

Mr. Carlton reported a bill for the relief of certain teachers of poor children in the county of Campbell for the year eighteen hundred and fifty-four, which was read the first time.

Mr. Cone of Bulloch reported a bill to be entitled an act for the relief of John C. Everett and Robert Campbell, which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act to repeal an act regulating the granting of New Trials, approved February 12th, 1854, which was read the first time.

Mr. Crowder reported a bill to be entitled an act for the relief of Wm. J. P. Phinzy of the county of Monroe, a minor in the 20th year of his age, which was read the first time.

Mr. Dunnagan from the committee on the Penitentiary, presented a majority and minority report, which on motion of Mr. Peeples, was received without being read, and one hundred and twenty copies ordered to be printed.

Mr. Marshall reported a bill to compensate the Grand and Petit Jurors of the county of Talbot, which was read the first time.

Mr. McMillan reported a bill to regulate taking testimony by interrogatories, which was read the first time.

Also, a bill to explain and amend an act to regulate the mode of suing the bonds of executors, administrators and guardians, approved January 15th, 1852, which was read the first time.

Mr. Moore of Lincoln reported a bill to confer certain privileges upon John L. Spires of Lincoln county, and to make lawful his acts and to give him authority to transact business as though he were of full age, which was read the first time.

Mr. Morris reported a bill to be entitled an act to authorise William B. Wofford to erect and keep up a mill-dam across the Connasauga river on his own land in the county of Murray, which was read the first time.

Mr. Murphy reported a bill to be entitled an act to change the time of meeting of the General Assembly of the State of Georgia from the 1st Monday in November to the 1st Wednesday in November, which was read the first time.

Mr. Nichols reported a bill to change the mode of executors, administrators and guardians making their returns to Ordinaries, and for other purposes therein mentioned, which was read the first time. Also,

A bill to authorise the Governor to employ the convicts in the Penitentiary to get granite for the re-building of the Capitol at Milledgeville, and for other purposes therein mentioned, which was read the first time.

Mr. McDonald reported the following resolution, to-wit :

Whereas, the Penitentiary has in a great measure failed to accomplish the object for which it was intended by its founders, as a place of punishment for crime, and in consequence of the additional expenditure of money necessary for its improvement and repair or removal thereof,

It is therefore resolved by the Senate, That the Committee on the Judiciary are hereby instructed to take into consideration the propriety of altering or changing the present criminal

laws, and of abolishing the Penitentiary, and report thereon, by bill or otherwise, at as early a day as is convenient.

Mr. McGuire from the Select Committee, reported, That the committee to whom was referred the petition of the City Council of Rome, beg leave to return the same without amendment, subject to the action of the Senate.

Mr. Murray offered the following resolution, to-wit :

Resolved, That no member shall absent himself from the Senate for more than one day at a time unless in cases of sickness, without the consent of a majority of two-thirds of the Senate; any member violating the same shall forfeit his pay for the number of days he may be absent.

Mr. Peeples reported a bill to amend the several acts of this State in relation to suing out Commissions of Lunacy, which was read the first time.

Also, a bill to repeal an act to regulate the fees of Attorneys and Solicitors General, and for other purposes therein specified, approved December 20th, 1849, which was read the first time.

Mr. Riley reported a bill to authorise the Ordinary of the county of Taylor to pay over to James P. Rosvan and Wm. A. Graham, certain sums of money therein specified; which was read the first time.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

Mr. President : The House of Representatives have passed the following bills, to wit :

A bill to be entitled an act to prevent any person from throwing dead stock or other dead carcasses in Cottiecay and Chattahoochee rivers, or timbers that would be likely to create drifts.

A bill to be entitled an act for the relief of Jeremiah J. Gafford of the county of Stewart.

A bill to be entitled an act to consolidate the offices of Tax Receiver and Tax Collector of the county of Worth.

A bill to be entitled an act to confirm and ratify the action of the Superior Court of Muscogee county, in granting charters to the Muscogee Building and Loan Association, and the Columbus Building and Loan Association and to legalize the acts of said Association.

A bill to be entitled an act to reduce the bonds of the Sheriffs of the county of Coffee to the sum of eight thousand dollars.

A bill to be entitled an act to incorporate the Ladies' German Benevolent Society of Savannah.

A bill to be entitled an act to repeal the first section of an act, entitled an act to grant exemptions to Cavalry corps, and for the formation of squadrons of cavalry, and to confer certain privileges upon the Baldwin Blues, approved January 22d, 1852, so far as relates to the county of Gordon.

They have also agreed to a resolution, proposing to bring on the election of State Printer on Friday next, to which they ask the concurrence of the Senate.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President—The House of Representatives have passed a resolution specially appropriating the Library room of the Capitol as a place for the sittings of the Judiciary Committees of both houses during the present session of the General Assembly, to which they ask the concurrence of the Senate.

Mr. Hardeman from the Committee on Enrollment, made the following report :

Mr. President: The Committee on Enrollment, report as duly enrolled and ready for the signature of the President of the Senate,

An act to amend an act to incorporate the Brunswick Improvement Company, passed on the 9th February, 1854.

Mr. Riley offered the following resolution, to-wit :

Whereas, it being of the utmost importance, for the interests of the people of Georgia, and component with the character and dignity of said State that, the business now before the present Legislature, with all other matters, which may require legislative action, should be finally and wisely disposed of, becoming the representatives of an intelligent constituency. And whereas, the usual and heretofore customary period of adjournment, does not embrace a sufficient length of time to afford the Legislature an opportunity to discharge its duties to the people and State, as above indicated.

Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the 20th instant, the Legislature now in session, do take a recess, until the second Monday in January next, at which time it shall again convene, provided no member or other officer of the General Assembly shall be entitled to any per diem pay during the recess, or mileage in going home or in returning to the Capitol at the expiration of said recess.

Mr. Sims reported a bill to authorise the Ordinaries and other officers in the county of Decatur to advertise their citations and notices of sales in some of the papers published at Milledgeville, which was read the first time.

Also, a bill to make uniform the fees of the several ordinaries in this State, which was read the first time.

On motion of Mr. Bloodworth, the rules were suspended, and the resolution in relation to a recess of the General Assembly was taken up.

Mr. Dunnagan moved to postpone the same indefinitely,

upon which motion the yeas and nays were required to be recorded and are yeas 21, nays 58.

Those voting in the affirmative are Messrs. Allred, Ashe, Baxter, Beall, Buchanan, Causey, Cone of Bulloch, Dunnagan, Fambro, Hardeman, Hines, Jamison, Long, McMillan, Moore of Lincoln, Peeples, Ragan, Reddish, Robinson, Turner and Wellborn.

Those voting in the negative are Messrs. Adams, Avery, Beasley, Billups, Bloodworth, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Dupree, Gray, Gibson, Gordon, Grant, Guerry, Harris of Taliaferro, Hill, Jeter, King, Knight, Lawson of Burke, Lott, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Pope, Renfroe, Riley, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Studstill, Wales, Ware Whitaker, White, Wingfield and Wynn.

So the motion to postpone indefinitely was lost.

Mr. Fambro moved to strike out the words "second Monday in January" and insert in lieu thereof, the words "second Monday in November next," which motion was lost.

Mr. Lawson of Burke moved to strike out "second Monday in January," and insert in lieu thereof, "the words fourth Monday in January."

On motion the question was divided, and the motion to strike out was lost.

Upon the question to agree to the resolution, the yeas and nays were required to be recorded, and are yeas 50, nays 32.

Those voting in the affirmative are Messrs. Adams, Avery, Beasley, Bloodworth, Brice, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Crowder, Dupree, Gordon, Guerry, Harris of Taliaferro, Hill, Jeter, King, Knight, Lawson of Burke, Lawton, Lott, McCrimmon, McDonald, McIntosh, Moody, Moore of Cobb, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Pope, Renfroe, Riley, Rudisill, Sapp, Shropshire, Simms, Scott, Studstill, Wales, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Baxter, Beall, Billups, Brown of Calhoun, Buchanan, Cone of Bulloch, Cone of Greene, Dunnagan, Fambro, Gray, Gibson, Grant, Hardeman, Hines, Jamison, Long, Maddux, Marshall, McMillan, Moore of Lincoln, Peeples, Ponder, Ragan, Reddish, Robinson, Roddenberry, Turner, Ware and Wellborn.

So the resolution was agreed to.

On motion of Mr. Bloodworth, the rules were suspended,

and the Secretary was ordered to communicate the resolution just agreed to, to the House of Representatives.

On motion the rules were suspended to take up two resolutions from the House of Representatives, to-wit:

Resolved by the General Assembly of the State of Georgia, That for the proper disposition of the business of this body, it is necessary that the Judiciary Committee of each house should have the use of some room of the Capitol during the sessions of the said Committee,

Resolved, That the Library in this Capitol be and is hereby constituted a committee-room for said committee, until further ordered by the General Assembly.

On motion the same was agreed to.

The following resolution was taken up, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That both branches of the General Assembly will convene in the Representative Chamber, on Friday, the 7th inst., for the purpose of electing a State Printer for the next ensuing term, and that said person chosen shall be subject to any legislation upon the matter of printing that the present General Assembly may deem advantageous to the public interest.

Mr. Baxter moved to lay the same on the table, upon which motion the yeas and nays were required to be recorded, and are yeas 33, nays 46.

Those voting in the affirmative are Messrs. Ashe, Baxter, Beall, Beasley, Billups, Calhoun, Cannon, Carlton, Coffee, Cone of Greene, Crowder, Dupree, Fambro, Gray, Hill, King, Maddux, Marshall, McCrimmon, Moore of Lincoln, Morris, Murphy, Murray, Peeples, Pope, Ragan, Riley, Rudisill, Scott, Studstill, Turner, Wales and Wellborn.

Those voting in the negative are Messrs. Adams, Allred, Atkinson, Avery, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Cantrell, Causey, Chastain, Cone of Bulloch, Gibson, Gordon, Grant, Guerry, Harris of Taliaferro, Hines, Jamison, Jeter, Lawson of Burke, Lawton, Long, Lott, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moreland, Nichols, Patterson of Gilmer, Pharr, Ponder, Reddish, Renfroe, Robinson, Roddenberry, Sapp, Shropshire, Ware, Whitaker, White, Wingfield and Wynn.

So the motion was lost.

The resolution was then agreed to.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the resolution from the House of Representatives, to appoint a committee from both branches of the Legislature, to visit the Western and Atlantic Rail-road.

Mr. Long withdrew the amendment offered by him on yesterday, and moved to amend by striking out all after the

enacting clause, and inserting the following in lieu thereof:

Resolved, That the Committee on Internal Improvements of the two houses are hereby authorised to appoint a sub-committee from each, two from the Senate, and three from the House committee, whose duty it shall be to proceed to the Western and Atlantic Rail-road and to make a thorough examination of said road, its equipment, finances, management, and all other matters relating to the same of interest to the State. And that said committee may discharge their duties more efficiently, they are hereby empowered to procure such advice and assistance as they may deem necessary and to call upon any of the officers of said Road for their books and vouchers for examination.

Mr. Cone of Bulloch moved to strike out all after the first resolution, upon which the yeas and nays were called.

Pending which call, the Senate adjourned till 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the unfinished business of the morning, which was the consideration of the Resolution in relation to the Western and Atlantic Rail-road.

Upon the motion to strike out all after the first resolution, the yeas and nays were recorded, and are yeas 65, nays 11.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Billups, Brown of Baldwin, Brown of Gwinnett, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Dunnan, Gibson, Gordon, Grant, Griffin, Guerry, Hardeman, Harris of Taliaferro, Hays, Hill, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Maddux, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Murphy, Murray, Nichols, Patterson of Gilmer, Peeples, Pharr, Ponder, Pope, Ragan, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Spalding, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Beasely, Buchanan, Calhoun, Crowder, Fambro, Hines, King, Marshall, Riley, Turner and Wales.

So the motion to strike out prevailed.

Mr. Long moved to strike out from his amendment the word, 'respectively,' which motion was agreed to.

Mr. Baxter moved the previous question, which being seconded, on the question. "shall the main question now be put?" it was decided in the affirmative.

The question was then taken on agreeing to the resolution of the House of Representatives as amended, whereupon the yeas and nays were required to be recorded, and are yeas 47, nays 36.

Those voting in the affirmative are Messrs. Avery, Baxter, Beasely, Billups, Brown of Baldwin, Calhoun, Cannon, Carlton, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dunnagan, Dupree, Fambro, Gordon, Hardeman, Hill, Hines, King, Knight, Maddux, Marshall, McCrimmon, McDonald, McIntosh, Moore of Lincoln, Morris, Murphy, Murray, Nichols, Peeples, Pharr, Pope, Ragan, Renfroe, Riley, Rudisill, Simms, Spalding, Studstill, Turner, Wales, Ware, Wellborn, Wingfield and Wynn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Gray, Gibson, Grant, Griffin, Guerry, Harris of Taliaferro, Hays, Jamison, Jeter, Lawson of Burke, Lawton, Long, Lott, McGuire, Moody, Moore of Cobb, Patterson of Gilmer, Ponder, Reddish, Roddenberry, Shropshire, Whitaker and White.

So the resolution was agreed to.

Mr. Nichols moved that the Senate now adjourn; upon which motion the yeas and nays were required to be recorded and are yeas 29, nays 38.

Those voting in the affirmative are Messrs. Adams, Avery, Beasely, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Coffee, Crowder, Fambro, Gray, Guerry, Harde-
man, Harris of Taliaferro, King, Knight, Lawson of Burke-
Lott, McIntosh, Moore of Lincoln, Sapp, Shropshire, Simms, Spalding, Studstill, Wales, Ware and White.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Baxter, Beall, Billups, Camden, Causey, Chastain, Cone of Bulloch, Cone of Greene, Dunnagan, Grant, Hill, Jamison, Jeter, Long, Maddux, Marshall, McCrimmon, McDonald, Moody, Murphy, Murray, Nichols, Patterson of Gilmer, Peeples, Pharr, Ponder, Reddish, Renfroe, Riley, Roddenberry, Rudisill, Turner, Wellborn, Whitaker and Wynn.

So the motion was lost.

Mr. Peeples moved to take up a bill from the House of Representatives for a first reading.

Mr. Murphy moved that the Senate now adjourn; upon which motion the yeas and nays were required to be recorded, and are yeas 23, nays 45.

Those voting in the affirmative are Messrs. Adams, Ashe, Brice, Brown of Gwinnett, Cantrell, Coffee, Fambro, Gibson, Harris of Taliaferro, Knight, Lawson of Burke, Lawton, McGuire, Moore of Lincoln, Murphy, Ponder, Sapp, Simms, Studstill, Turner, Wales, Ware and Wingfield.

Those voting in the negative are Messrs. Allred, Atkinson, Baxter, Beall, Beasley, Billups, Bloodworth, Brown of Baldwin, Buchanan, Carlton, Camden, Cannon, Carlton, Chastain, Cone of Bulloch, Cone of Greene, Crowder, Dupree, Gray, Grant, Hardeman, Hill, Jamison, Jeter, King, Long, Lott, Maddux, Marshall, McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Cobb, Morris, Nichols, Patterson of Gilmer, Peeples, Reddish, Renfroe, Riley, Roddenberry, Rudisill, Wellborn, Whitaker, White and Wynn.

So the motion was lost.

The following bill from the House was taken up and read the first time, to-wit :

A bill to increase the salaries of the Judges of the Supreme Court.

Mr. Cone of Greene offered the following resolution, which was taken up and agreed to, to-wit :

Resolved, That the returns of the Atlanta Bank, transmitted to the Senate by his Excellency the Governor, be referred to a committee of three members, and that they make such report as in their judgment may be right and proper.

The following was the committee appointed by the chair under the resolution, to-wit :

Messrs. Cone of Greene, Screven and Billups.

On motion of Mr. Carlton, the Senate then adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, DECEMBER 5th, 1855.

The Senate met pursuant to adjournment.

Mr. Long moved to reconsider so much of the Journal of yesterday as related to the action of the Senate upon the resolution from the House of Representatives, appointing a committee to visit the Western & Atlantic Rail-road.

Upon which motion the yeas and nays were required to be recorded and are yeas 58, nays 31.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Coffee, Dabney, Dunnagan, Gray, Gibson, Gordon, Grant, Griffin, Guerrey, Harris of Taliaferro, Harris of Worth, Hays, Jamison, Jeter, Lawson of Burke, Lawton, Long, Matthews, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moreland, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Pharr, Ponder, Reddish, Renfroe, Roddenberry, Sapp, Shropshire, Screven, Spalding, Ware, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Avery, Baxter,

Beasley, Billups, Brown of Baldwin, Calhoun, Cannon, Carlton, Cone of Bulloch, Cone of Greene, Crowder, Dupree, Fambro, Hardeman, Hill, Hines, King, Knight, Maddux, McCrimmon, Moore of Lincoln, Murray, Peeples, Pope, Ragan, Riley, Rudisill, Studstill, Turner, Wales and Welborn.

So the motion to reconsider prevailed.

Mr. Nichols moved to suspend the rules so as to take up the reconsidered resolution, which motion was lost.

The Senate took up the special order of the day, which was the consideration of the report of the Committee of the Whole upon a bill to alter and amend the 3d, 4th, 7th and 12th Sections of the first Article of the Constitution of this State.

On motion of Mr. Cone of Greene, the same was postponed and made the special order for Friday the 18th of January, 1856.

On motion of Mr. Riley the rules were suspended, and the Senate took up the report of the Committee of the Whole upon a bill giving the election of County Treasurer of Taylor to the legal voters of said county.

On motion the first section was amended by inserting after "Taylor," the following counties, to-wit: Chattooga, Chattahoochee, Calhoun, Spalding, Rabun, Walker, Polk, Worth, Fannin, Campbell and Clinch.

The report was agreed to, the bill was read the third time and passed under the title thereof.

On motion of Mr. Peeples the rules were suspended, and the bill from the House of Representatives to increase the salaries of the Judges of the Supreme Court, was taken up read a second time, and committed.

On motion leave of absence was granted to Messrs. Marshall, Scott and Hays.

On motion of Mr. Fambro, the rules were further suspended, and the following resolution from the House of Representatives was taken up, read and agreed to, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia, That his Excellency the Governor be and he is hereby authorized to employ such counsel as in his judgment may be necessary to defend the suit instituted in the Supreme Court of the United States against the State of Georgia, to settle the boundary line between the two States, and to draw his warrant upon the Treasury for such an amount as he may think proper to pay said Counsel.

On motion of Mr. McDonald the resolution in relation to the Penitentiary, laid on the table yesterday, was taken up.

Mr. Long moved to lay the same on the table, upon which the yeas and nays were required to be recorded, and are yeas 45, nays 39.

Those voting in the affirmative are Messrs. Adams, Ashe,

Atkinson, Baxter, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan. Calhoun, Camden, Cantrell, Chastain, Coffee, Cone of Bulloch, Crowder, Dabney, Gray, Gordon, Guerry, Hardeman, Harris of Taliaferro, Harris of Worth, Hays. Hill, Jamison, Jeter, Long, Maddux, McGuire, McMillan, Moore of Cobb, Moreland, Morris, Murray, Patterson of Gilmer, Ponder, Riley, Roddenberry, Sapp, Shropshire, Spalding, Studstill, Ware and White.

Those voting in the negative are Messrs. Allred, Beall, Beasley, Brice, Cannon, Carlton, Causey, Cone of Greene, Dixon, Dunnagan, Dupree, Fambro, Gibson, Griffin, King, Knight, Lawson of Burke, Lawton, Lott, Matthews, McCrimmon, McDonald, Moody, Moore of Lincoln, Murphy, Newton, Nichols, Peeples, Pope, Ragan, Reddish, Renfroe, Rudisill, Simms, Screven, Wales, Welborn, Whitaker and Wynn.

So the motion prevailed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have passed the following bills, to wit:

A bill to be entitled an act to authorize the Justices of the Inferior Court of the county of Wayne, on the recommendation of the Grand Jury of said county, to levy an extra tax to be applied to common school purposes, to appoint Commissioners; and for other purposes therein mentioned.

A bill to be entitled an act to change the name of the Augusta and Waynesboro' Rail-road to the Augusta and Savannah Rail-road, to amend the charter of said Company, and for other purposes therein specified.

A bill to be entitled an act to amend the several rent laws of this State.

A bill to be entitled an act to incorporate the town of Cusseta in the county of Chattahoochee, and to render permanent the county site, and appoint Intendants and Commissioners, and regulate the same.

A bill to be entitled an act to alter an act entitled an act to repeal an act entitled an act to extend the civil jurisdiction of Justices of the Peace, in the city of Savannah and for other purposes, assented to 17th February, 1854.

A bill to be entitled an act to incorporate the Columbus Savings and Mutual Loan Association.

The Senate took up the regular order, which was the report of the Committee of the Whole on a bill to add the county of Carroll to the fourth Congressional District.

The report was agreed to, the bill was read the third time, and on the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 58, nays 27.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Avery, Beall, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Cone of Bulloch, Dabney, Gray, Gibson, Gordon, Grant, Griffin, Guer ry, Harris of Taliaferro, Harris of Worth, Jamison, Jeter, Lawson of Burke, Lawton, Long, Lott, Matthews, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Moreland, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Ponder, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Simms, Screven, Spalding, Wellborn, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Baxter, Bease-ly, Billups, Brown of Baldwin, Calhoun, Carlton, Cone of Greene, Crowder, Dixon, Dunnagan, Dupree, Fambro, Hill, King, Knight, Maddux, McCrimmon, Moore of Lincoln, Peeples, Ragan, Riley, Shropshire, Simms, Studstill, Turner, Wales and Ware.

So the bill was passed.

Mr. Hardeman from the Committee on Enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate : An act to alter and amend the 3rd Section of the 3rd Article of the Constitution of the State of Georgia, by striking out the following words, to-wit : "appointed by the legislature," and insert in lieu thereof the words following, to-wit : "elected by the persons entitled to vote for members of the General Assembly, at such times and in such manner as the legislature shall, or may by law direct ; and to add an additional Section to the first Article of the Constitution. Also,

A bill to change certain county lines therein enumerated.

The Senate took up the report of the Committee of the Whole on the bill to repeal so much of an act entitled an act to add a part of Carroll county to the county of Heard, and establish an additional election precinct in Heard county, assented to December 20th, 1854, as relates to adding a part of Carroll county to the county of Heard.

The report was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole upon a bill to incorporate the city of Brunswick, and for other purposes.

Mr. Long moved to amend the 2nd Section by filling the black with the word "eight," and to amend the 35th Section by inserting after the word "misdemeanor" the words, "upon proof and conviction thereof," which motion was agreed to.

The report as amended was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the

Whole on a bill to repeal an act entitled an act to compel persons living in the county of Wayne to give in, and pay their taxes in said county for all property they may own in the State, and for other purposes.

Mr. Atkinson moved to amend by adding after "Wayne," "Camden," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole on a bill to lay out and organize a new county from Henry and Fayette, and for other purposes therein specified.

On motion the same was referred to the Committee on New Counties.

Mr. Hardeman from the Committee on Enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate: A resolution on the election of State Printer on Friday next. Also, a resolution appropriating the room of the State Librarian, to the Committee on the Judiciary during the session of the General Assembly.

The Senate took up the report of the Committee of the Whole on a bill to change the time of holding the Inferior Court of the county of Campbell.

On motion of Mr. Carlton the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole upon a bill to authorize Dr. T. N. Hardman of the county of Fulton to practice medicine on the improved Botanic and German system of practice, and to recover his dues for professional services and medicines.

On motion the same was amended by inserting the names of A. J. Betterton of Fulton, Lyman Shepherd of Decatur and B. F. Hanney of Pickens.

The report as amended was agreed to, the bill was read the third time, and on the question, Shall this bill now pass? the yeas and nays were required to be recorded and are yeas 36, nays 44.

Those voting in the affirmative are Messrs. Allred, Beall, Billups, Brice, Calhoun, Cannon, Carlton, Coffee, Crowder, Dabney, Dunnagan, Gibson, Griffin, Guerry, Hardeman, Jamison, King, Knight, McDonald, Morris, Murphy, Patterson of Gilmer, Pope, Riley, Shropshire, Simms, Spalding, Turner, Wales, Wellborn and White.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Baxter, Beasely, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Cone of Bulloch, Cone of Greene, Dupree, Fambro, Gray, Harris of Taliaferro, Harris of Worth, Jeter, Lawson of Burke, Lawton, Long, Maddux, Matthews, McCrimmon,

McGuire, McIntosh, Moody, Moore of Lincoln, Moreland, Peeples, Ponder, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Screven, Studstill, Ware, Whitaker, Wingfield and Wynn.

So the bill was lost.

The Senate took up the report of the Committee of the Whole upon a bill to incorporate Atlanta Female College located in Atlanta, and to confer powers on the same.

The report was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole upon a bill to incorporate the Hydrant Water Company of Columbus.

The report was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole on a bill to repeal an act entitled an act to alter and amend the fifth Section of an act to regulate the weighing of Cotton and other commodities in this State, approved February 7th, 1854.

The report was agreed to, the bill was read the third time and on the question, Shall this bill now pass? the yeas and nays were required to be recorded and are yeas 28, nays 43.

Those voting in the affirmative are Messrs. Adams, Allred, Avery, Buchanan, Calhoun, Coffee, Gordon, Griffin, Guerry, Hardeinan, Harris of Taliaferro, Harris of Worth, Hill, King, Knight, Lawton, McDonald, Moreland, Morris, Murray, Patterson of Gilmer, Peeples, Ponder, Renfroe, Sapp, Shropshire, Spalding and Wales.

Those voting in the negative are Messrs. Ashe, Beall, Beasely, Billups, Bloodworth, Brown of Gwinnett, Cannon, Cantrell, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Fambro, Gray, Grant, Jamison, Lawson of Burke, Maddux, Matthews, McCrimmon, McGuire, McIntosh, Moody, Moore of Lincoln, Murphy, Pharr, Pope, Ragan, Reddish, Riley, Rudisill, Simms, Screven, Studstill, Turner, Welborn, Whitaker, White and Wynn.

So the bill was lost.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the report of the Committee of the Whole on a bill to repeal an act to prevent the killing of deer at certain periods of the year in the counties of Burke and Worth, so far as relates to the county of Worth.

The report was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole on a bill to repeal the second section of an act entitled an act to regulate the granting of New Trials, approved the 20th February, 1854.

Mr. Cone of Greene moved to amend by striking out the words "second section," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed under the following title: A bill to be entitled an act to repeal an act entitled an act to regulate the granting of new trials.

The Senate took up the report of the Committee of the Whole upon a bill to authorize the Justices of the Interior Court of Carroll county to levy and collect an extra tax for the purpose of building a Court House in said county.

The report was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole on a bill to carry into effect the third item of the last will and testament of George M. Waters, deceased.

The report was agreed to, the bill was read the third time and on the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 2, nays 64.

Those voting in the affirmative are Messrs. Allred and Dunnagan.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Baxter, Beall, Beasley, Billups, Bloodworth, Brice, Brown of Calhoun, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Fambro, Gray, Gibson, Gordon, Grant, Griffin, Guerry, Hill, Jamison, Knight, Lawson of Burke, Lawton, Long, Lott, Maddux, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Pharr, Ponder, Ragan, Renfro, Riley, Roddenberry, Rudsill, Sapp, Shropshire, Screven, Turner, Wales, Wellborn, Whitaker, White, Wingfield and Wynn.

So the bill was lost.

The Senate took up the report of the Committee of the Whole on a bill to authorize Lewis Zeigler of the State of Louisiana and Henry Zeigler of the State of Alabama to qualify and act as Executors of the last will and testament of William Zeigler late of Crawford county, deceased.

The report was agreed to, the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole on a bill to define the liability of the several Rail-road Companies in this State for injury to person or property to

prescribe in what counties, they shall be liable to be sued and how they may be served with process.

Mr. Pope moved to strike out the 4th section.

Mr. Miller moved to refer the bill to a select committee.

Mr. Nichols moved to postpone the same indefinitely, which motion was lost.

Mr. Nichols called the previous question, which being seconded, on the question, Shall the main question now be put? it was decided in the affirmative.

The question was then taken upon the passage of the bill upon which the yeas and nays were required to be recorded and are yeas 65, nays 14.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Baxter, Beall, Beasley, Billups, Bloodworth, Brice, Brown of Calhoun, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Causey, Coffee, Cone of Bulloch, Cone of Greene, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Griffin, Hamilton, Harris of Worth, Head, Hill, Jamison, Jeter, Long, Lott, Maddux, Matthews, McCrimmon, McDonald, McGuire, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Peeples, Ponder, Ragan, Reddish, Renfro, Riley, Roddenbry, Rudisill, Simms, Studstill, Turner, Ware, Wellborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Atkinson, Grant, Guerry, Harris of Talliaferro, McIntosh, McMillan, Nichols, Pharr, Sapp, Shropshire, Screven, Spalding, Wales and Wingfield.

So the bill was passed.

On motion the Senate then adjourned till to-morrow morning at 10 o'clock.

THURSDAY. DECEMBER 6th, 1855.

The Senate met pursuant to adjournment.

Mr. Hill moved to reconsider so much of the Journal of yesterday as relates to the rejection of a bill to repeal an act entitled an act to alter and amend the fifth section of an act to regulate the weighing of cotton, and other commodities in this State, approved February 7th, 1854.

Upon which, the yeas and nays were required to be recorded, and are yeas 48, nays 37.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Avery, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Camden, Causey, Chastain, Coffee, Cone of Greene, Gibson, Gordon, Griffin, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth,

Hill, Jeter, King, Lawson of Burke, Lawson of Houston, Lawton, Long, Lott, McDonald, McMillan, Morris, Murray, Newton, Nichols, Patterson of Jefferson, Peeples, Ponder, Ragan, Reddish, Renfro, Roddenberry, Rudisill, Scott, Spalding, Sumner, Wales and Wingfield.

Those voting in the negative are Messrs. Baxter, Beall, Beasely, Billups, Calhoun, Cannon, Cantrell, Carlton, Cone of Bulloch, Crowder, Dabney, Dunnagan, Dupree, Fambro, Gray, Head, Jamison, Knight, Maddux, McCrimmon, McIntosh, Moody, Moore of Lincoln, Murphy, Patterson of Gilmer, Pharr, Pope, Riley, Sapp, Simms, Screven, Smith, Studstill, Turner, Ware, Welborn, Whitaker, White and Wynn.

So the motion prevailed.

Mr. Pope moved to reconsider so much of the Journal of yesterday as relates to the passage of a bill to define the liability of the several Rail-road companies in this State, for injury to person or property; to prescribe in what counties they shall be liable to be sued, and how they may be served with process.

Mr. Carlton moved the previous question, which being seconded, on the question "Shall the main question now be put?" it was decided in the affirmative.

The question was then taken upon the motion to reconsider; upon which the yeas and nays were required to be recorded and are yeas 30, nays 64.

Those voting in the affirmative are Messrs. Adams, Atkinson, Avery, Brown of Baldwin, Brown of Calhoun, Causey, Gibson, Grant, Guerry, Hardeman, Harris of Taliaferro, Hays, Hines, Jeter, Knight, Lawton, McDonald, McIntosh, Nichols, Peeples, Pharr, Ponder, Pope, Reddish, Roddenberry, Sapp, Shropshire, Screven, Spalding and Wales.

Those voting in the negative are Messrs. Allred, Ashe, Baxter, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gordon, Griffin, Hamilton, Harris of Worth, Head, Hill, Jamison, King, Long, Lott, Maddux, Matthews, McCrimmon, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Ragan, Renfro, Riley, Rudisill, Simms, Scott, Smith, Studstill, Turner, Ware, Welborn, Whitaker, White and Wynn.

So the motion was lost.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have concurred in the resolution of the Senate proposing to take a re-

cess from the 20th instant, until the second Monday in January next.

Mr. Landrum from the Committee on Enrollment report as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

A resolution of the General Assembly authorizing the Legislature to take a recess from the 20th instant until the second Monday in January next.

Mr. Spalding from the special committee to which was referred the bill entitled an act to sell the Western and Atlantic Rail-road and to create an Internal Improvement fund, respectfully report that they have had the same under consideration, and beg leave to report the same with amendments, and recommend its passage.

On motion, 120 copies of the bill was ordered to be printed.

On motion of Mr. Dunnagan, the reports from the committee on the Penitentiary, were taken up and read.

Mr. Nichols moved to lay the same on the table ; which was lost.

Mr. Carlton moved to amend the 3d paragraph by striking out all after the words "DeKalb county," and inserting the words "or some other location on the Western and Atlantic Rail-road;" which was agreed to.

Mr. Pope moved to postpone the report and make it the special order for the 17th December; which was lost.

Mr. Atkinson moved to postpone the report and make it the special order of the day for the 17th January next; upon which motion the yeas and nays were required to be recorded, and are yeas 24. nays 67.

Those voting in the affirmative are Messrs. Adams, Atkinson. Baxter, Brown of Baldwin, Brown of Gwinnett, Cantrell, Crowder, Guerry, Harris of Worth, Hill Hines, Jeter, Long, Maddux, Matthews, McDonald, Newton, Nichols, Ponder, Riley, Sapp, Screven, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Calhoun, Buchanan, Calhoun, Camden, Cannon, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Grant, Griffin, Hamilton, Hardeman, Harris of Taliaferro, Head, Jamison, King, Knight, Lott, McCrimmon, McGuire, McIntosh, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pharr, Pope. Ragan, Reddish, Renfroe, Roddenberry. Shropshire, Simms, Scott, Smith, Studstill, Turner, Wales, Ware, Wellborn, Whitaker and White.

So the motion was lost.

Mr. Murphy moved to make the report the special order for Saturday next; which was lost.

Mr. Nichols moved to amend the 3rd section by adding "or some place near Milledgeville, if they find the granite sufficient to employ the convicts for a century, to locate it there or any other place that said committee may think proper to locate the Penitentiary; which motion was lost.

Mr. Dunnagan moved to substitute the minority report.

Mr. Baxter called the previous question, which being seconded, on the question "Shall the main question now be put?" it was decided in the affirmative.

The question was then taken upon agreeing to the report of the majority; upon which the yeas and nays were required to be recorded and are yeas 65, nays 21.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Baxter, Beasley, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Cone of Greene, Dabney, Dixon, Dupree, Fambro, Gibson, Gordon, Grant, Griffin, Hamilton, Harris of Worth, Head, Hines, Jamison, Jeter, King, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Maddux, Matthews, McCrimmon, McGuire, McIntosh, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Jefferson, Peoples, Pharr, Ponder, Ragan, Renfro, Riley, Rudisill, Shropshire, Scott, Smith, Spalding, Studstill, Turner, Ware, Wellborn, Whitaker and White.

Those who voted in the negative are Messrs. Allred, Beall, Brice, Brown of Bald'n, Causey, Chastain, Coffee, Cone of Bulloch, Crowder, Dunnagan, Gray, Harris of Taliaferro, McDonald, Nichols, Patterson of Gilmer, Pope, Reddish, Roddenberry, Sapp, Simms, Screven, Wales and Wynn.

So the motion prevailed.

On motion, leave of absence was granted to Messrs. Bailey and McIntosh.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Cone of Greene laid the following resolution upon the table, to-wit:

Resolved, That his Excellency the Governor be requested to transmit to the Senate all the returns made to the Executive Department by the Bank of the Interior and the La-Grange Bank since they went into operation.

The Senate took up the special order of the day, which

was the consideration of the report of the Committee of the Whole on a bill to give State aid to the Brunswick & Florida Rail-road company.

Mr. Knight moved to amend by striking out all after the enacting clause, and inserting the following bill reported by the committee on Internal Improvements, in lieu thereof, to-wit :

A bill to be entitled an act to lend the aid of the State of Georgia to the Brunswick and Florida Rail-road Company upon certain conditions therein named.

Section 1st. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and it is hereby enacted by the authority of the same,* That the Brunswick and Florida Rail-road Company, and branch to Albany, shall be entitled to receive State bonds upon complying with the following conditions, to-wit :

1st. That the bona fide and solvent subscription to the capital stock of the company, by citizens or corporations of Georgia, and the actual payments on the general stock of said company, shall be at least equal to the amount of State bonds furnished to the company.

2d. That the President and Board of Directors of said company shall be citizens and residing in the State of Georgia.

3d. Twenty miles of said Rail-road shall be completed ; and the track laid with iron rails weighing not less than fifty pounds to the yard, and shall be fully equipped and running cars thereon in good and substantial manner.

4th. There shall be no prior existing lien upon the Road or property of the company, and the President and Chief Engineer of the company shall produce and deliver to the Governor their affidavit, by the President or some person appointed by the company, showing how much of the Road has been completed, and the President shall also deliver to the Governor, a certificate under the hand and seal of the Clerk of the Superior Court of each County in the State through which said Company's road runs or is intended to run stating there is no unsatisfied mortgages, judgments, trust deeds, or other liens, or evidence of adverse title whatever, of record or otherwise, granted at any time by such company, and shall also deliver his own affidavit that there is no outstanding unrecorded mortgages, trust deeds or other liens or conveyances granted by said company.

5th, The names of the subscribers to the stock of the company, with the amount paid by each, and an accurate statement of the affairs, and pecuniary condition of the company, shall be submitted by the President to the Governor upon all applications for bonds.

6th, The persons and property of the Stockholders shall

be liable, if the corporate property of said company shall be insufficient to indemnify the State, as hereinafter provided, in proportion to the amount of stock held by each.

7th, A legal meeting of the stockholders of said company shall pass resolutions accepting the terms and conditions specified in the act, and shall certify the same to the Governor by its presiding officer, and Secretary before applying for any bonds under this act.

Sec. 2d, When all the conditions specified in the foregoing section of this act shall have been complied with to the satisfaction of the Governor, and the facts stated shall have been certified to by the board of Directors and sworn to by the President of the company as aforesaid. The Governor thereupon shall issue coupon bonds of the State of Georgia to such company to the amount of six thousands dollars per mile for each additional ten miles, which said company shall complete of said road as specified in the first section of this act, but no bonds shall issue predicated upon the first twenty miles of said road, and said bonds to be issued in sums of one thousand dollars each, payable twenty years from date, bearing six per cent interest per annum, and interest payable semi-annually at the treasury of the State, or at such other place in the United States as the Governor shall direct, and the accepting of the bonds by the company through its President, or any other person appointed by the board of Directors for that purpose, shall constitute a lien or mortgage upon the whole road and branch, including the first twenty miles, with all its equipments and all the rights, property and franchises of said company, and this lien shall take precedence and over ride all other obligations or liens, and shall be paid in preference to any other.

Sec. 3rd, The interest on the bonds of the State issued to said company under the provisions of this act, shall be paid with all the attendant expenses, by said company, into the treasury of the State, or at such other place as the Governor may direct, at least ten days before it shall be due according to the tenor and effect of such bonds, and the principal shall be paid in like manner, if at any time the interest, or the principal of said bonds shall not be paid by the company into the treasury or at such other place as the Governor may direct in the issuing of such bonds, at least ten days before it shall become due, the State Treasurer upon such information as he may believe, shall make oath of the fact, whereupon the Governor shall cause the Comptroller General to issue an execution against said company for the whole amount of bonds issued to said company, with interest. and such execution shall be levied on the Railroad, the iron, and all the property, rights and franchises, and interest of said company, and a notification thereof shall be given to the President and board of Directors of said company,

either in person or by leaving it at the office of the company. or by publication in one or more of the newspapers published in Milledgeville,—and the said railroad, together with the iron, appurtenances, franchises, property, rights and interest of the said company of every description, shall be advertised in such papers as the Governor may deem best at least ninety days, and shall be sold at the Capital of the State, or at such other place as the Governor may think best for the interest of the State, on the first Tuesday in the month, to the highest bidder for cash, or for the bonds of the State of Georgia at par value, and such sale shall convey to the purchaser a good and sufficient title to said railroad, and all the property, interest corporate rights and privileges of the company, provided however, that if said company shall, before the time of sale, pay the interest or principal or both, which may then be due on the bonds so loaned to the said company, with all attending costs, and expenses connected therewith, the said sale shall not take place, but the execution shall be credited with the amount so paid, and shall be suspended to be enforced in similar manner against said company, in case of any subsequent failure to pay interest or principal on the bonds so loaned to said company. Provided, the title to said road shall not pass out of the hands of the citizens of Georgia.

Sec. 4th. And if the whole corporate property so levied on and sold as aforesaid shall fail to satisfy the said execution in favor of the State, it shall then be levied on as the private property of the stockholders, or any one or more of them to be advertised and sold according to the laws regulating sheriffs sales until said execution shall be paid off but no stockholder shall be compelled to pay an amount greater than the largest amount of stock he may have held in said company at any time within twelve months of the date of said execution and the stockholder who shall have paid off any such execution shall have control of the same which shall remain open so far as to authorize the sheriff to levy the same upon the private property of any and every other stockholder, and sell the same to make an amount sufficient to pay his ratable part of said execution according to the amount of stock held as aforesaid by each stockholder.

Sec. 5th, That the President of said company, shall make a full and complete return and statement to the Governor under oath on the first Monday in April and October, in each and every year setting forth the progress of the work the amount of subscription to the stock, and the financial condition of the company, and which statement shall be published in some public Gazette of the State.

Sec. 6th, That the principal office for the transaction of the business of the company shall be in the city of Brunswick.

Sec. 7th, Whenever said Brunswick and Florida Rail-Road company and branch shall except the bonds of the State of Georgia under the provisions of this act, the act itself shall by virtue of such acceptance become a part of the charter of said county.

Sec. 8th, That should said Brunswick and Florida Rail Road company fail to put at least twenty miles of that Road in operation as prescribed in the first section of this act within two years from the passage of this act then their rights under this acts shall cease and no bonds shall issue under this act.

Sec. 9th, Be it further enacted, that the bonds of the State shall issue to said Brunswick and Florida Rail Road company for the like sums of six thousand dollars per mile for each section of ten miles finished as aforesaid, to be applied to a branch of said road to commence west and within twelve miles of the Alapaha River, and run the most practicable route to Albany on the Flint River, simultaneous with the building of the main trunk west of Alapaha, to Thomasville provided that not more than one million of dollars of such bonds in all shall be issued towards the construction and equipment of said Road and branch. Provided, that said company shall continue the main trunk from Thomasville west on the most practicable route towards Pensacola, Florida.

Which was agreed to.

Mr. Screven offered the following amendment to the 9th section, to-wit :

Be it further enacted, That aid be and is hereby granted to the Savannah, Albany and Gulf Rail-road Company, on each mile of the entire distance from the city of Savannah, provided, That no bonds issue predicated on the first twenty miles, by the way of Doctor Town on the Altamaha river, and thence on the southern branch of said Rail-road to the point of junction with, or crossing of the Brunswick and Florida Rail-road at the rate of seven thousand dollars per mile, and no farther than said junction or crossing ; in all other respects than as stated in this section, said aid is to be granted on the same terms and conditions as are provided in this act for the Brunswick and Florida Rail-road, and the said Savannah, Albany and Gulf Rail-road Company is hereby authorised to cross the line of the Brunswick & Florida Rail-road with its said southern branch.

And whereas, it is just and proper that the inhabitants of this State should have the privilege of trading with the markets of Savannah and Brunswick without discrimination against them by either of the said Rail-road companies leading to those places,

Be it therefore enacted, That the grant of bonds herein provided for, is upon the further condition that the rates of trans-

portation on both of said Rail-roads from any points within this State, southward and westward of the point of junction or crossing and back, shall be the same, whether goods or produce be destined for, or going from either Brunswick or Savannah. And further, That for any violation of this condition, either company shall have a claim for damages against the other, to be recovered by an action at law or otherwise.

Upon receiving the amendment, the yeas and nays were required to be recorded, and are yeas 67, nays 16.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Baxter, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Fambro, Gordon, Grant, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Hines, Jamison, Jeter, Knight, Lawton, Long, Lott, Matthews, McCrimmon, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Ponder, Pope, Reddish, Renfro, Roddenberry, Rudisill, Shropshire, Simms, Scott, Screven, Studstill, Turner, Wellborn, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Camden, Gibson, Harris of Taliaferro, Head, Hill, King, Maddux, McGuire, Morris, Murphy, Riley, Smith, Spalding, Wales and Whitaker.

So the motion to amend was agreed to.

Mr. Buchanan offered the following amendment, to-wit :

And that the Savannah, Griffin and North Alabama Railroad company shall be entitled to State aid, in the same manner and upon the same terms as prescribed in this act.

Mr. Allred moved that the Senate now adjourn; which motion was lost.

Upon the question of receiving the amendment, the yeas and nays were required to be recorded and are yeas 25, nays 64.

Those voting in the affirmative are Messrs. Ashe, Baxter, Billups, Bloodworth, Brown of Gwinnett, Buchanan, Carlton, Chastain, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Gordon, Harris of Taliaferro, Hill, Maddux, Moore of Lincoln, Moreland, Riley, Spalding, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Atkinson, Beall, Beasely, Brice, Brown of Calhoun, Calhoun, Camden, Cannon, Cantrell, Causey, Coffee, Cone of Bulloch, Cumming, Dabney, Dunnagan, Gray, Griffin, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Head, Hines, Jamison, Jeter, King, Knight, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody.

Moore of Cobb, Morris, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pharr, Ponder, Pope, Ragan, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Smith, Studstill, Turner, Wales and Wynn.

So the motion to amend was lost.

On motion the Senate then adjourned till to-morrow morning at ten o'clock.

FRIDAY, DECEMBER 7th, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Cone of Greene, the resolution laid upon the table on yesterday in relation to the Bank of the Interior and LaGrange Bank, was taken up, read and agreed to.

Mr. Beall reported a bill to lay out and form a new county from the counties of Warren and Jefferson; and to provide for the organization of the same; which was read the first time.

Mr. Beasley reported a bill to incorporate a bank in the town of LaGrange, to be called the Farmer's Bank of Georgia; which was read the first time.

Mr. Brown of Calhoun reported a bill for the relief of Lemuel Love and Catharine A. Tipton and for other purposes; which was read the first time.

Mr. Cone of Greene reported a bill to prohibit the retailing of spirituous or fermented liquors without license, to prescribe the manner in which license may be obtained and also the terms and conditions to punish those who may retail without license; to prohibit retailing on certain days and to certain persons; and also to prohibit the sale or furnishing of spirituous or fermented liquors to slaves or free persons of color; and also to prohibit the employment of such persons in any retail shop; and also to prevent their carrying or having such liquors on board Rail-road cars, and for other purposes; which was read the first time.

Mr. Beasley of Troup moved that one hundred and twenty copies of the same be printed for the use of the Senate; whereupon, on motion of Mr. Ashe of Franklin, the yeas and nays were required to be recorded and are yeas 51, nays 34.

Those voting in the affirmative are Messrs. Baxter, Beall, Beasley, Billups, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Causey, Cone of Greene, Crowder, Dixon, Dupree, Hardeman, Harris of Taliaferro, Head, Hill, Hines, Jeter, King, Lott, Maddux, McCrimmon, McIntosh, Moody, Moore of Lincoln, Moreland, Morris, Mur-

ray, Patterson of Jefferson, Peeples, Pharr, Pope, Ragan, Renfro, Riley, Rudisill, Simms, Scott, Screven, Smith, Studstill, Swinney, Turner, Wales, Wellborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Avery, Brown of Calhoun, Camden, Chastain, Coffee, Cumming, Dunnagan, Gray, Gibson, Gordon, Grant, Griffin, Guerry, Hamilton, Harris of Worth, Hays, Lawton, Long, Matthews, McDonald, McGuire, Moore of Cobb, Murphy, Newton, Nichols, Patterson of Gilmer, Ponder, Sapp, Shropshire, and White.

So the motion prevailed.

Mr. Crowder laid upon the table the following resolution to-wit :

Resolved, That the Messenger and Door-Keeper of the Senate be authorised to have a sufficient number of high seats placed in the gallery for the accommodation of the ladies.

Mr. Cumming reported a bill to facilitate the collection of intestates, estates in certain cases without administration ; which was read the first time.

Mr. Gibson reported a bill to alter and amend the oath of witnesses to be sent before the Grand Jury; which was read the first time.

On motion of Mr. Gibson, Messrs. Fambro, Brice, Jeter, Adams and Grant were granted leave of absence for a few days.

Mr. Jeter reported a bill to authorise the Governor to furnish certain books to the magistrates of the 710th district of Marion county; which was read the first time.

The following committee was appointed by the Chair under the resolution in relation to the Penitentiary, to-wit: Messrs. Dunnagan and Pharr.

Mr. Murray reported a bill to incorporate a bank in the town of Ringgold, Georgia; which was read the first time.

Mr. Pharr reported a bill to change the place of holding Justices' Courts in the 476th district in the county of Newton; which was read the first time.

Mr. Renfro reported a bill to raise the jurisdiction of Justices of the Peace from thirty to fifty dollars: which was read the first time.

Mr. Riley laid upon the table the following resolution, to-wit :

Resolved, That his Excellency the Governor be requested and he is hereby authorised to furnish eight copies of Cobb's Analysis and Forms, to the Clerk of the Superior Court of Taylor county, for the use of said county.

Mr. White reported a bill requiring the Judge of the Superior Courts of Jackson county, to hold the courts for the August term in said county, two weeks in certain cases : which was read the first time.

Mr. Wynn reported a bill to manumit a negro man slave named Boston, the property of certain persons therein named; which was read the first time.

Mr. Scriven from the Committee on Internal Improvement to whom was referred a bill to be entitled an act to grant aid to the Savannah, Albany and Gulf Rail-road Company upon certain conditions, report the same with the following amendments:

The persons and property of the stockholders shall be liable, if the corporate property of said company shall be insufficient to indemnify the State, in proportion to the amount of stock held by each, the recommendation of the Committee made upon the bill to grant aid to the Brunswick & Florida Railroad is reported with regard to this bill.

Mr. Screven from the Internal Improvement Committee to whom was referred the bill to give State aid to the Dalton and Gadsden Rail-road Company report a substitute for the original bill, and make the same recommendation in respect to it as was made in regard to the bill to grant State aid to the Brunswick and Florida Rail-road.

Mr. Screven from the committee to whom was referred the bill to incorporate the North-Eastern Rail-road Company, report the same with the following amendments, and make the same recommendation with respect to it as was made in regard to the bill to grant aid to the Brunswick and Florida Rail-road.

Insert in the 1st section after the word Athens the word Madison. Insert in the 2d section, Jacob Walburg, M. W. Brown, Jas. G. McLester, Asbury Hull and John T. Grant.

Insert in the 3d section Seven Directors instead of Five, of which one shall be elected President by said Directors, and countersigned by the Secretary. The company may issue bonds not exceeding the stock actually paid in. Amended farther by striking out the fifth section, and inserting in lieu thereof the new bill offered by Mr. McMillan; said bonds to run thirty years; strike out eight and insert seven thousand dollars. That the officers of the company shall be at such place as the stockholders may direct at their next meeting. Fill blank as to time of completing twenty miles with 5 years—limit to one million.

Mr. Peebles moved to make the bill in relation to the North Eastern Rail-road Company the special order for Wednesday next.

On motion of Mr. McMillan, Mr. Billups was added to the Committee on Public Education and Free Schools.

Mr. Wales from the Committee on New Counties, to whom was referred the several bills to create new counties from counties already organised, have had the same under consideration, and I am directed by said committee to report all of said bills back to the Senate without any expression of

opinion as to their respective merits, and to ask that said committee be discharged and dissolved.

On motion of Mr. Peebles, the rules were suspended, and the Senate took up the report of the Committee of the Whole on a bill to preserve and dispose of the property and effects of corporations after their dissolution, and to provide for the payment of debts due by the same. The report was agreed to; the bill was read the third time and passed.

On motion of Mr. Screven, the rules were suspended and the following bill from the House of Representatives was taken up for a first reading, to-wit:

A bill to establish and incorporate a Medical College in the city of Savannah, to be called the Oglethorpe Medical College.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to amend the laws of this State relative to imprisonment for debt.

A bill to be entitled an act to define the liabilities of the husband for the debts of the wife, and to define the liabilities of property received through the wife for the debts of the husband existing at the time of the marriage.

A bill to be entitled an act to amend the act incorporating the Georgia Military Institute, and to appropriate money therefor.

They have also passed the following bill of the Senate, to-wit:

A bill to be entitled an act to pardon John T. Boyd of the county of Muscogee, now under sentence of death for the crime of murder.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk:

Mr. President—I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their chamber for the purpose of proceeding with the election of State Printer, set apart for this day.

On motion the Senate repaired to the Representative Chamber, where after assembling, they proceeded to the election of a State Printer for the years 1857 and 1858; and after receiving and counting out the ballots, it appeared that Tennent Lomax of Muscogee county, was duly elected.

On motion the Senate repaired to their chamber.

On motion the Senate took up a resolution in relation to seats in the gallery; which was read and agreed to.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the report of the Committee of the Whole on the bill to lend aid from the

State of Georgia to the Brunswick and Florida Rail-road Company.

Mr. Guerry moved to amend the 9th section by inserting after the word Albany—"and thence west to the east bank of the Chattahoochee River, opposite the town of Eufaula, Alabama; which was agreed to.

Mr. Cone of Bulloch moved to amend the 3d item of the 1st section by inserting after the word 'completed' the words 'and paid for;' which was agreed to.

Mr. Patterson of Gilmer moved to amend by inserting the following as an additional section, to-wit :

Be it further enacted by the authority aforesaid, That so soon as the Ellijay and Duck Town Rail-road Company shall have completed ten miles of their road, with good and substantial material, and put a good engine and car upon the same, and inform the Governor of the fact that there is no lien on said road, then the Governor shall be authorised and required to issue State bonds to said company in like sum per mile as is provided for other roads in this act, under the same regulations and manner as issued for the other roads; and upon the completion of every section of ten miles, a like sum until said road is completed.

Mr. Dabney moved to postpone the bill and amendments indefinitely; whereupon the yeas and nays were required to be recorded and are yeas 37, nays 57.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Baxter, Beasley, Billups, Bloodworth, Brown of Gwinnett, Buchanan, Camden, Cannon, Carlton, Chastain, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Gordon, Harris of Taliaferro, Hill, King, Maddux, McIntosh, Moore of Lincoln, Moreland, Murray, Patterson of Jefferson, Pharr, Pope, Riley, Smith, Spalding, Ware, Welborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Brown of Baldwin, Brown of Calhoun, Calhoun, Cantrell, Causey, Coffee, Cone of Bulloch, Cumming, Gray, Gibson, Griffin, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Hines, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Peeples, Ponder, Ragan, Reddish, Renfroe, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Studstill, Swinney, Turner, Wales, White and Wynn.

So the motion was lost.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the unfinished business of the morn-

ing, which was the consideration of the bill to lend the aid of the State of Georgia to the Brunswick and Florida Rail-road Company.

The motion of Mr. Patterson of Gilmer to amend the bill by inserting an additional section, was lost.

Mr. Hill moved to amend by inserting the following as an additional section, to-wit:

And that the Columbus and Hamilton Rail-road Company shall be entitled to State aid in the same manner and upon the same terms as prescribed in this act, after having completed ten miles of said road.

Upon the question of receiving the amendment, the yeas and nays were required to be recorded and are yeas 19, nays 66.

Those voting in the affirmative are Messrs. Baxter, Bilups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Carlton, Cone of Greene, Crowder, Dabney, Gordon, Hill, Jamison, Maddux, Moore of Lincoln, Moreland, Vales and White.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Avery, Beall, Brown of Calhoun, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Cumming, Dunnagan, Gray, Gibson, Grant, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Lead, Hines, Jeter, King, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Moore of Cobb, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Ponder, Pope, Ragan, Redlish, Renfroe, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Smith, Studstill, Swinney, Turner, Whitaker and Wynn.

So the motion was lost.

Mr. Guerry from the Committee on Enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate: A bill for the pardon of John T. Boyd of the county of Muscogee, now under sentence of death for the crime of murder.

On motion of Mr. Screven, the 9th section was further amended by inserting the following, to-wit:

The principal office for the transaction of the business of the Savannah, Albany and Gulf Rail-road Company, shall be at Savannah.

On motion of Mr. Buchanan, the 3d section was amended by adding the following, to-wit: "when a sufficient amount has been bid to indemnify the State."

Mr. Welborn moved to amend the 4th section by inserting after the words, "There shall be no prior existing lien upon

the Road or property of the company," the words "or on the property of the individual stockholders;" which was lost.

On motion of Mr. Gibson, the first section was amended by inserting after the first condition, the following: "and it shall be the duty of the Secretary of said company under the seal of said company, to furnish the Governor to be deposited in the office of the Treasurer, a statement of such stock and the names of such stockholders; and it shall not be lawful for such stockholders to transfer such stock to any person but solvent citizens of said State, until the bonds received by said company, with the interest on the same, are all paid by said company."

On motion, leave of absence was granted to Messrs. Griffin, Dixon and Ware; and also to the Committee on the Blind for to-morrow.

On motion the Senate then adjourned till to-morrow morning at 10 o'clock.

SATURDAY, DECEMBER 8th, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Camden the rules were suspended, and the Senate took up the report of the Committee of the Whole, upon a bill to incorporate the Canton Mining Company of Georgia.

Mr. Camden moved to amend the 9th section by inserting after the word "Law," "or Equity," which was agreed to.

Mr. McMillan moved further to amend the 9th section by inserting after the words "or Equity" the words "except suits touching titles to land," which was agreed to.

Mr. Camden moved further to amend the 9th section by adding "and the service of a copy of any such writ, bill, process, summons, mandate and notice by the Sheriff of said county, or any other lawful officer either personally upon the President or any other officer of said Company resident in said county, or by leaving the same at his or their most notorious place of residence in said county, shall be sufficient service."

The report as amended was agreed to, the bill was read the third time and passed.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary:

Mr. President:—The Governor has signed and approved the following acts, to-wit:

An act to add a part of the county of Ware to the county of Charlton.

An act to amend an act to incorporate the Brunswick Improvement Company passed the 9th of February, 1854.

An act to pardon John T. Boyd of the county of Muscogee, now under sentence of death for the crime of murder.

The Senate then took up the unfinished business of the last adjournment, which was the consideration of the report of the Committee of the Whole upon a bill to lend the aid of the State of Georgia to the Brunswick and Florida Railroad Company.

On motion of Mr. Screven the third item of the first section was amended by adding after the word "thereon" the words, "and said twenty miles constructed in a."

On motion of Mr. Gibson the third item of the first section was struck out and the following inserted in lieu thereof, to-wit: "Twenty miles of said Rail-road shall be completed and paid for, and the tract laid with iron rails weighing not less than fifty pounds to the yard and shall be fully equipped and running such freight and passenger cars as are commonly used on the principal rail-roads of this State."

On motion of Mr. Gibson the 4th item of the first section was amended by inserting after the word "affidavit" the words, "and that of the Secretary of said Company."

Mr. Cone of Greene moved to amend the first section by striking out all after the enacting clause, and inserting in lieu thereof the following, to-wit:

"The capital stock of said Brunswick and Florida Railroad Company shall be four millions of dollars, divided into shares of one hundred dollars each; and said Company shall be entitled to receive the Bonds of the State, as is hereinafter provided, when the following things have been done and conditions complied with:

1st. When the whole of said stock shall have been bona fide and unconditionally subscribed for, and taken by solvent subscribers citizens and residents of this State.

2d. When a President and Directors are elected who are citizens of this State.

3d. When twenty miles of said Road are completed and equipped and the cars propelled by locomotives and running on the same, and the track laid with iron weighing not less than fifty pounds to the yard.

4th. When there are no existing liens upon the road; and it shall be the duty of the President of said Company at the time he shall make application for the Bonds, as is hereinafter provided, to exhibit to the Governor a statement showing the number, names, and place of residence of each Stockholder, and the amount of Stock held by each: which statement shall, also, alledge that all the Stock of said Company has been unconditionally and bona fide by Stockholders that he believes to be solvent, and who are

residents and citizens of this State, that there are no existing liens upon said Road, that a President and Directors have been elected, and what are their names and where they reside; that twenty miles of said Road have been finished and equipped and the cars running as herein before provided; which statement shall be verified by the oath of the President, and if he shall knowingly swear falsely in relation to any of the facts contained in said statement he shall be indicted and punished as is now provided by law for the case of false swearing. It shall be the duty of the Governor to cause said statement to be recorded in the office of the Comptroller General, and said Stockholders shall be bound in their persons and property to the State for the payment of the Bonds to be issued by the subsequent provisions of this act, in proportion to the amount of Stock held by each; nor shall any subsequent transfer of Stock exonerate any Stockholder from such liability, unless the same shall be approved by the Governor, and the name of the person to whom said Stock shall be transferred, shall then be recorded in the office of the Comptroller General; and such substituted Stockholder shall be liable to the same extent as the Stockholder from whom he purchased, but none of said original Stockholders shall be exonerated from their liability aforesaid, if such transfer shall have been made at any time within twelve months next previous to the failure of said Company to pay the interest or principal due on said Bonds.

When execution shall have been issued as provided in the subsequent sections of this act, and there shall be a return by the proper officer, that there is no property of the Company to be found, it shall be the duty of the Comptroller General to make out separate executions against each of said Stockholders as aforesaid, for his or her proportionable part of the amount due on said Bonds, and unpaid, and which said executions shall be enforced by levy and sale of the property of each Stockholder as in other cases of Sheriff's sales."

Mr. Hardeman moved to amend the first section by adding at the close of the 5th item, so much of the foregoing amendment of Mr. Cone of Greene, as commences with the words, "It shall be the duty of the Governor"; which was agreed to.

• Upon the question of receiving the amendment offered by Mr. Cone of Greene, the yeas and nays were required to be recorded, and are yeas 36, nays 48.

Those voting in the affirmative are Messrs. Allred, Baxter, Beall, Beasley, Billups, Bloodworth, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Chastain, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Gordon, Harris of Taliaferro, Hill, King, Landrum, Maddux, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Patterson of

Jefferson, Pharr, Pope, Riley, Rudisill, Wellborn, Whitaker, White and Wingfield. •

Those voting in the negative are Messrs. Ashe, Atkinson, Brown of Baldwin, Brown of Calhoun, Calhoun, Carlton, Causey, Coffee, Cone of Bulloch, Gray, Gibson, Guerri, Hamilton, Hardeman, Hays, Hines, Jamison, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Murphy, Murray, Newton, Patterson of Gilmer, Paulk, Ponder, Ragan, Reddish, Renfroe, Roddenberry, Sapp, Shropshire, Simms, Scott, Screven, Studstill, Swinney, Turner, Wales and Wynn.

So the motion to amend was lost.

On motion of Mr. Gibson the second section was amended by striking out in the 11th line the word "or," and inserting in lieu thereof the words, "in the nature of."

On motion of Mr. Gibson the following was inserted after the second section, as an additional section, to-wit :

Sec. 3d. That said Company shall apply the money obtained by the sale of said Bonds solely to paying for the material to be used, and the work to be done on that part of said Road to be built after said Bonds are so issued, and for equipment contracted for after said Bonds are so issued.

On motion of Mr. Gibson the 3d section was amended by striking out after the words "become due," on the 6th line all to the words, "the Governor," and insert in lieu thereof the following, to-wit: "It shall be the duty of the Treasurer of this State forthwith to make oath of such failure to pay such principal or interest or both as the case may be, and the amount thereof, on such information as he may have, and deposit such affidavit in the Comptroller General's office, and notify the Governor thereof, and it shall be the duty of."

Also on the 8th line to strike out the first word "shall," and insert the word "to," and after the word "execution" insert the words, "to be directed to all and singular the Sheriffs of said State." Also, on the 19th line after the word "Company" insert the words, "or which may have become due and been paid by the State."

On motion of Mr. Buchanan the 3rd section was further amended by inserting at the end of the proviso the words, "if a sufficient amount is bid by the citizens of Georgia to indemnify the State for its liability on said Bonds."

On motion of Mr. Gibson the 5th section was amended by inserting on the 2nd line, after the words "setting forth" the words, "a specific statement of the disbursement of the money raised from said Bonds." And also at the close of the 4th line inserting the words, "and in case of failure on the part of the Company to show fully such disbursement it shall be the duty of the Governor to withhold the issue of

any other Bonds, until the same shall be fully and satisfactorily done."

Mr. Baxter moved to add the following as an additional section, to-wit :

And be it further enacted, That the Governor shall not endorse the Bonds of this Rail-road Company until he is satisfied that a majority of the voters of this State shall declare their consent to such endorsement by stating upon their tickets "State aid."

And be it further enacted, That the voters of this State be requested at the election in November next for Electors of President and Vice President, to endorse upon their tickets, "aid or no aid."

Upon the question of receiving the amendment the yeas and nays were required to be recorded, and are yeas 37, nays 46.

Those voting in the affirmative are Messrs. Allred, Baxter, Beasely, Billups, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Gordon, Harris of Taliaferro, Head, Hill, King, Landrum, Muddux, McGuire, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Jefferson, Pharr, Pope, Riley, Rudisill, Wellborn and White.

Those voting in the negative are Messrs. Ashe, Atkinson, Beall, Bloodworth, Brown of Calhoun, Calhoun, Causey, Coffee, Gray, Gibson, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Hines, Jamison, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Newton, Patterson of Gilmer, Ponder, Ragan, Reddish, Renfroe, Roddenberry, Sapp, Shropshire, Simms, Scott, Screven, Studstill, Swinney, Turner, Wales, Whitaker and Wynn.

So the motion was lost.

On motion of Mr. Screven the following was added as an additional section, to-wit :

"The bonds of the State of Georgia herein provided for shall not be sold at less than their par value."

The bill having been gone through with by sections and amended, upon the question to strike out of the original bill all after the enacting clause and insert in lieu thereof the bill reported by the Committee on Internal Improvements, as amended ; it was decided in the affirmative.

On motion the Senate then adjourned until Monday morning at ten o'clock.

MONDAY, DECEMBER 10th, 1855.

The Senate met pursuant to adjournment.

Mr. Dunnagan moved to reconsider so much of the Journal of Saturday as relates to the rejection of the amendment of Mr. Baxter to refer the question of State aid to the people.

Whereupon the yeas and nays were required to be recorded and are yeas 42, nays 51.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Baxter, Beasley, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Chastain, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Gray, Gordon, Harris of Taliaferro, Head, Hill, King, Landrum, Maddux, McGuire, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Jefferson, Pharr, Pope, Smith, Spalding, Ware, Welborn and White.

Those voting in the negative are Messrs. Atkinson, Beall, Bloodworth, Brown of Baldwin, Brown of Calhoun, Calhoun, Camden, Causey, Coffee, Cumming, Gibson, Guerry, Hamilton, Hardeman, Hays, Hines, Jamison, Knight, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Newton, Patterson of Gilmer, Paulk, Peeples, Ponder, Ragan, Reddish, Renfro, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Studstill, Swinney, Turner, Wales, Whitaker, Wingfield and Wynn.

So the motion to re-consider was lost.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

Mr. President : 'The House of Representatives have passed the following bills, to wit :

A bill to be entitled an act to lay out a new county out of the counties of Polk and Carroll, and to organize the same.

A bill to be entitled an act to extend the jurisdiction of Magistrate's Courts within the corporate limits of the city of Augusta to fifty dollars.

A bill to be entitled an act amendatory of the several acts incorporating the city of Rome in this State.

A bill to be entitled an act to simplify the method of carrying cases to the Supreme Court, and for other purposes.

A bill to be entitled an act to amend the several acts of the General Assembly of the State of Georgia relating to the Savannah and Albany Rail-road Company, and the Savannah, Albany and Gulf Rail-road Company, approved, respectively, on the 25th day of December, 1847, the 20th day of November, 1851, and the 20th day of February, 1854; and to authorize the southern branch of said Savannah, Albany and Gulf Rail-road Company to cross the line of the Brunswick and Florida Rail-road Company.

They have, also, agreed to the following resolution, to-wit:

Resolved, That a committee of three be appointed by the House to join such committee as have been, or may be appointed by the Senate to examine the various suitable localities on or near the line of some one of our Rail-roads with a view to the selection of the most advantageous point for the erection of a State prison; and that they report to the House as early as possible; and have appointed on their part, on said committee, Messrs. Smith of Union, Phillips and Johnson of Cass.

Mr. Hardeman from the Committee on Enrollment reported as duly enrolled and signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate: A bill to alter and amend the 1st Section of the 3d Article of the Constitution of the State of Georgia.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have passed the following bills:

A bill to be entitled an act to appropriate money for the support of Government for the political years 1856 and 1857.

A bill to be entitled an act to change the times of holding the Superior and Inferior Courts of the county of Floyd.

They have also passed by a Constitutional majority: An act to amend the first Section of the third Article of the Constitution of the State of Georgia.

Leave of absence was granted to Mr. Harris of Worth for a few days.

On motion of Mr. Gibson the rules were suspended, and the Senate took up the report of the Committee of the Whole on a bill to alter and amend an act passed 10th of December, 1845, to carry into effect that part of the first Section of the third Article of the Constitution, which requires the establishment of a Supreme Court for the correction of Errors, and for other purposes, so as to reduce the number of places for the sessions of the said Supreme Court.

On motion of Mr. Miller the same was taken up by Districts, and the same amended by striking out the words "first Monday in June," and inserting in lieu thereof the words, "2nd Monday in June" in the first District.

Mr. Lawton moved to amend by striking out the word "Macon," and inserting in lieu thereof the word "Americus" in the second District, which motion was lost.

Mr. Buchanan moved to amend by striking out the words "4th Monday in March," and inserting in lieu thereof the words "2nd Monday in February," in the third District, which motion was lost.

Mr. Dunnagan moved to amend by striking out the word "Athens." and insert in lieu thereof the word "Gainesville" in the third District, which motion was lost.

Mr. Peeples moved to amend by striking out the words "fourth Monday in April and third Monday in October," and insert in lieu thereof the words "fourth Mondays in May and November," in the 4th District.

Mr. Moore of Lincoln moved to divide the question, and the motion to strike out prevailed.

The amendment of Mr. Peeples was then agreed to.

On motion of Mr. Cone of Greene the same was further amended by adding the following as an additional section, to-wit: It shall be the duty of the Clerk of said Supreme Court to arrange the cases on the dockets of said Court by Circuits, and it shall, also, be his duty to give notice in one of the newspapers printed at the place where said Supreme Court is to be held, of the order in which the Circuits are arranged, and every case that is docketed before all the cases from that Circuit are heard, shall be considered as docketed in time, and that errors may be assigned and issue joined in said cases at any time before said cases are called.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Landrum, 120 copies of the Report of the Trustees of the Georgia Academy for the Blind, of the Board of Commissioners for the Georgia Asylum for the Deaf and Dumb, of the Trustees, Superintendent and Resident Physician of the Lunatic Asylum of the State of Georgia, were ordered to be printed.

Mr. McGuire moved to suspend the rules to take up a bill of a local character from the House of Representatives, which motion was lost.

On motion of Mr. Miller the Senate took up the unfinished business of the morning which was the consideration of the report of the Committee of the Whole on a bill to alter and amend an act passed the 10th of November, 1845, appointing the places for holding the Supreme Court; the report as amended was agreed to, the bill was read the third time, and on the question, "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 59, nays 34.

Those voting in the affirmative are Messrs. Atkinson, Avery, Baxter, Beall, Beasley, Billups, Bloodworth, Brown of Baldwin, Buchanan, Calhoun, Camden, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fam-

bro, Gibson, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Hill, Jeter, Knight, Landrum, Lawton, Lott, Maddux Matthews, McCrimmon, McGuire, McMillan, Moore of Cobb Moore of Lincoln, Moreland, Newton, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Pope, Reddish, Riley, Roddenberry, Rudisill, Shropshire, Simms, Screven, Smith Spalding, Studstill, Turner, Wales, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Brice, Brown of Calhoun, Brown of Gwinnett, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cumming, Dunnagan, Gray, Gordon, Hays, Head, Jamison, King, Long, McDonald, Moody, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Ragan, Renfroe, Robinson, Scott, Swinney, Welborn and White.

So the bill was passed under the following title, to-wit :

A bill to alter and amend an act passed 10th day of December, 1845, to carry into effect that part of the first section of the third article of the Constitution, which requires the establishment of a Supreme Court for the correction of errors and for other purposes, so as to reduce the number of places for the sessions of said Supreme Court, and to prescribe the duty of the Clerk of said Court in certain cases, and for other purposes.

The Senate then took up the unfinished business of Saturday, which was the consideration of the report of the Committee of the Whole upon the bill to lend the aid of the State of Georgia to the Brunswick and Florida Railroad Company and the Savannah, Albany and Gulf Railroad Company upon certain conditions therein named.

Mr. Screven moved to amend the same by adding the following as an additional section, to-wit :

"And be it further enacted, That it shall be the duty of the Governor to deliver no more Bonds to the Company or Companies which sell any Bond or Bonds issued by virtue of this act, below par," which was agreed to.

Mr. Cone of Greene moved further to amend by adding the following as an additional section, to-wit :

"It shall not be lawful for said Companies to appropriate the Bonds by this act authorized to be issued, or the proceeds of the same to the payment of any debt now owing by said Companies, nor to the payment of any debt contracted for, or on account of the construction and first equipment of the first twenty miles of said Roads, but said Bonds or the proceeds of the same shall be appropriated exclusively to the extension of said Roads beyond the first twenty miles, and it shall be the duty of the President of said Companies to return to the Executive Department upon every application for Bonds according to the provisions of this act and to exhibit to the Governor, a statement showing accu

ately how the proceeds of the previous issue of Bonds have been expended, which statement shall be verified by the affidavit of the President and recorded in the office of the Comptroller General; and if said Bonds or any of them, or the proceeds of the same, or any part thereof shall be appropriated in any other manner than is provided by this section of this act, the President and Directors authorizing the same, shall be liable in their individual character for the same, and execution shall issue against them for the same, as is provided by this act in relation to issuing execution against individual Stockholders, where there is a return by the proper officer that there is no property of the Companies to be found"; which was agreed to.

Mr. Landrum offered the following as an additional section, to-wit:

Whereas the low lands on a creek called Long creek, running through Oglethorpe county, are immensely valuable, and whereas, said lands are unfit for use because of repeated inundations from rains, and are thereby so decreased in value as to increase very materially the general tax of the State.

Be it further enacted by the authority aforesaid, That State Bonds similar in character to the Bonds proposed to be issued in the preceeding sections be granted to the Inferior Court of Oglethorpe county to the amount of fifty thousand dollars to be appropriated to the ditching and cleaning out of said creek from its commencement to its terminus in Broad river; which was lost.

The report of the committee as amended was agreed to, the bill was read the third time, and on the question, "Shall this bill now pass," the yeas and nays were required to be recorded and are yeas 50, nays 48.

Those voting in the affirmative are Messrs. Atkinson, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Calhoun, Causey, Coffee, Cumming, Gibson, Guerry, Hamilton, Hardeman, Hays, Hines, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Peeples, Ponder, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Sapp, Shropshire, Simms, Scott, Screven, Studstill, Sumner, Swinney and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Baxter, Beall, Beasely, Billups, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Colbert, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gordon, Harris of Taliaferro, Head, Hill, King, Landrum, Maddux, Marshall, McGuire, McIntosh, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Patterson of Jefferson, Pharr, Pope, Ru-

disill, Smith, Spalding, Turner, Wales, Ware, Whitaker, White, and Wingfield.

So the bill was passed.

On motion the Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, DEC. 11th, 1855.

The Senate met pursuant to adjournment.

Mr. Buchanan moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate upon the bill to lend the aid of the State to the Brunswick and Florida, and to the Savannah, Albany and Gulf Rail-road Companies, upon certain conditions therein named.

Pending the discussion thereon, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the motion to reconsider so much of the Journal of yesterday as relates to the bill granting the aid of the State to the Brunswick and Florida and to the Savannah, Albany and Gulf Rail-road Companies.

Mr. Guerry moved the previous question, which being seconded: upon the motion "shall the main question be now put?" the same was decided in the affirmative; and upon the motion to reconsider, the yeas and nays were required to be recorded and are yeas 46, nays 54.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Baxter, Beasely, Billups, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gordon, Harris of Taliaferro, Hill, King, Landrum, Maddux, Marshall, McGuire, McIntosh, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Jefferson, Pharr, Pope, Spalding, Wales, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Beall, Brice, Brown of Baldwin, Brown of Calhoun, Calhoun, Causey, Coffee, Cumming, Gibson, Guerry, Hamilton, Harde-man, Harris of Worth, Hays, Head, Hines, Jamison, Je-

ter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Miller, Moody, Murphy, Newton, Nichols, Patterson of Gilmer, Paulk, Peoples, Ponder, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Smith, Studstill, Sumner, Swinney and Wynn.

So the motion to reconsider was lost.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President—The House of Representatives have passed the following bills to-wit :

A bill to be entitled an act to amend an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices' Courts; approved December 14th, 1811.

A bill to be entitled an act for the relief of Robert McIntyre of the county of Chatham.

A bill to be entitled an act for the relief of Ward H. Wakefield of Clay county.

A bill to be entitled an act to amend the eleventh section of the Judiciary act of this State; passed 16th Feb'y 1799.

The following message was received from his Excellency the Governor, through Mr. deGraffenried his Secretary :

Mr. President—I am directed by the Governor to transmit to the Senate a communication in writing with accompanying documents :

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., December 11th, 1855. }

To the Senate :

In compliance with your resolution, I have the honor, herewith, to transmit to the Senate, all the reports of the La-Grange Bank and the Bank of the Interior at Griffin, furnished the Executive Department since they went into operation.

HERSCHEL V. JOHNSON.

By leave of the Senate Mr. Spalding offered the following protest, to-wit :

The undersigned believing that this Legislature has no right to pledge the credit and honor of future generations of the people of Georgia in aid of private enterprises, however meritorious, and believing farther that every debt contracted or obligation incurred by the State of Georgia should at the same time have the punctual payment of interest provided for, by necessary and proportionate taxation, so that the Legislature may not deceive the people, nor the people deceive themselves, hereby protests against any act of this General Assembly which may give or lend the credit of the State of Georgia to any corporation or company whatever.

On motion of Mr. Cone of Bulloch, the bill for the sale of

the Western & Atlantic Rail-road was made the special order of the day for the 16th of January next.

Mr. Cannon reported a bill to incorporate Cartersville Lodge of Free and Accepted Masons; which was read the first time.

Mr. Cone of Greene reported a bill for the relief of Wm. L. Strain of Greene county; which was read the first time.

Also, a bill to incorporate a bank in the town of Madison, to be called the Bank of Madison; which was read the first time.

Mr. Cumming reported a bill to repeal an act approved Feb'y 18th, 1854, entitled an act to require the Receiver of Tax Returns in several counties of this State to ascertain the number of children in the several counties, between the ages of 8 and 16 years, and for other purposes; which was read the first time.

Mr. Lawton reported a bill for the relief of Eliza Brooks of Dougherty county; which was read the first time.

Mr. Fambro reported a bill to organise and charter a company to be called the Western and Atlantic Rail-road Company; to transfer the Western & Atlantic Rail-road to said company, and for other purposes therein mentioned; which was read the first time.

On motion 120 copies of the same were ordered to be printed for the use of the Senate.

Mr. Gibson reported a bill to amend an act to prohibit the manumission of slaves; which was read the first time.

Also, a bill to amend an act relative to appeals; which was read the first time. Also,

A bill limiting the fees of witnesses; which was read the first time.

Mr. Landrum reported a bill declaring what persons shall be liable to pay physicians for services rendered to slaves who are hired or otherwise in possession of bailees; which was read the first time.

Mr. Miller reported a bill to re-organise the Court of Common Pleas of Augusta; to change the name thereof, and to give it criminal jurisdiction; which was read the first time.

On motion of Mr. Cone of Bulloch, the order was suspended, and the following bill from the House of Representatives was taken up and read the first time, to-wit:

A bill to appropriate money for the support of the Government for the political years of 1856 and 1857.

On motion the Senate then adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, DECEMBER 12th, 1855.

The Senate met pursuant to adjournment.

Mr. Moore of Cobb reported a bill to change the line be-

tween the counties of Cobb and Cherokee; which was read the first time.

Mr. Patterson of Gilmer reported a bill to incorporate Oak Bowery Lodge No. 81 of Free and Accepted Masons, in the town of Ellijay in Gilmer county; which was read the first time.

Mr. Ponder reported a bill to incorporate the town of Fletcherville in the county of Thomas; which was read the first time.

Mr. Renfro reported a bill to authorize the Treasurer of Chattahoochee county to pay the Grand and Petit Jurors of said county; which was read the first time.

Mr. Shropshire reported a bill to amend the several acts exempting certain property from levy and sale, and to provide a mode of securing said property to the family of the debtor under certain penalties therein mentioned; which was read the first time.

Mr. Studstill reported a bill to allow Andrew J. Wooten of the county of Telfair, to peddle and vend goods in the counties of Telfair, Pulaski, Laurens, Montgomery, Ware, Appling, Coffee, Irwin, Lowndes and Clinch free of license; which was read the first time.

Also, a bill to add the present residence of the Rev. H. T. Bussey to the county of Telfair; which was read the first time.

Mr. Ware reported a bill to authorize the Tax Collectors of the several counties in this State to levy all executions issued by them, respectively, against all defaulting tax payers in this State, and to advertise and sell the same at the usual places of holding Justices' Courts in this State, after giving ten days notice thereof; to make it the duty of said Tax Collectors so to do without any additional compensation therefor, as far as the return of *Nulla Bona* is concerned, and for other purposes therein mentioned; which was read the first time.

Mr. Wingfield reported a bill explanatory of the 2nd section of an act entitled an act for the more effectually securing the Probate of Wills, &c., approved 10th December, 1812; which was read the first time.

Mr. Head from the committee on the Lunatic Asylum presented a minority report, and on motion 120 copies of the same were ordered to be printed for the use of the Senate.

On motion of Mr. Screven the order was suspended and the following bills of the House of Representatives were severally read the first time, to-wit:

A bill to change the time of holding the Superior and Inferior Courts of the county of Floyd.

A bill to change the time of holding the Inferior Court of Spalding county.

A bill declaratory of the intention of the act for the re-

lief of honest debtors, approved on the 19th of December, 1823.

A bill to amend an act incorporating the Georgia Military Institute, and to appropriate money therefor.

On motion of Mr. Hill the order was further suspended, and the Senate took up the report of the Committee of the Whole upon the bill for the relief of David A. Walker of the county of Harris; the report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to appropriate money for the benefit of the Georgia Asylum for the Deaf and Dumb; and for other purposes.

A bill to be entitled an act to amend an act to authorize certain persons therein named to clear out and improve the navigation of the Chattahoochee River above the Western & Atlantic Rail-road, and for other purposes therein named, approved January 12th, 1852.

A bill to be entitled an act to incorporate the Nicotac Rail-road and Mining Company.

A bill to be entitled an act for the relief of Susan Murray of the county of Charlton.

A bill to be entitled an act to incorporate Houston Lodge No. 98 of Free and Accepted Masons, and for other purposes therein named.

A bill to be entitled an act to incorporate the town of Jefferson in the county of Camden, and for other purposes.

A bill to be entitled an act to alter and amend an act entitled an act to compel the Judges of the Superior Courts of this State to convene at the Seat of Government in this State, once in each year, for the purpose of establishing uniform rules of practice throughout this State, passed the 24th day of December, 1821.

A bill to be entitled an act for the relief of Edward Stanfield of Henry county.

A bill to be entitled an act to change the time of service in relation to Subpœnes issuing from Justices' Courts, to compel discoveries at common law.

A bill to be entitled an act to incorporate Salt Springs Academy in the county of Campbell; and to appoint Trustees for the same.

A bill to be entitled an act to provide a remedy for Mechanics and Masons, and to give efficiency to the lien allowed them now by law.

A bill to be entitled an act to authorize the Justices of the Interior Court of Charlton county to examine and allow the Tax Collectors of said county their Insolvent lists.

A bill to be entitled an act to incorporate the Garnet Hill Mining Company of Georgia.

They have, also, passed the following bill of the Senate, to-wit :

A bill to be entitled an act to preserve and dispose of the property and effects of corporations after their dissolution, and to provide for the payment of the debts due by the same.

Mr. Cone of Bulloch offered the following resolution, which was taken up, read, and agreed to, to-wit :

Resolved, That the Senate proceed to take up bills of a local character for a third reading.

On motion 120 copies of the deposition in the case of Jacob Mercer of Stewart county were ordered to be printed.

The Senate took up the report of the Committee of the Whole on the bill to protect the planters of Oyster beds and to give exclusive right to the usufruct of natural bed of Oysters, in certain cases.

On motion of Mr. Gibson the same was amended by striking out all of the first section after the words "fish or rake," and inserting in lieu thereof the following words, to-wit : "said beds of Oysters, provided the same shall be distinctly staked or otherwise marked out."

On motion of Mr. Screven the same was further amended by adding the following as an additional section, to-wit :

"And be it further enacted, That it shall not be lawful to take tarapins and turtles within tide water at any other time than from the first day of May to the first day of September."

The report as amended was agreed to, the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 81, nays 9.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Baxter, Beall, Beasely, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Calhoun, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gordon, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Head, Hill, Hines, Jamison, Jeter, King, Knight, Lawson of Burke, Lawton, Long, Lott, Maddux, Marshall, Matthews, McGuire, McIntosh, McMillan, Miller, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Newton, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Ponder, Pope, Ragan, Renfro, Rudisill, Sapp, Shropshire, Simms, Screven, Smith, Spalding, Sumner, Swinney, Turner, Wales, Welborn, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Brice, Brown of Calhoun, Causey, Colbert, Hays, McDonald, Robinson and Ware.

So the bill was passed under the following title, to-wit: A bill to be entitled an act to protect the planters of Oyster beds, and to give exclusive right to the usufruct of natural beds of Oysters, in certain cases, and to prevent the taking of terrapins and turtles in certain seasons.

The Senate took up the report of the Committee of the Whole on a bill to regulate the fees of Pilots for the port of Savannah: the report was agreed to the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill for the relief of Giles Widener of the county of Gordon; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill for the relief of Mary Ann Lee of the county of Ware.

On motion the same was amended by adding the names of Elizabeth Tucker of the county of Eliza Brooks of the county of Dougherty, Jasper Holstein of the county of Macon, Sarah J. Compton of the county of Macon Lemuel Love and Catharine A. Tipton.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill for the relief of Gabriel Sisk.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to repeal an act passed the 18th February, 1854, to provide for the education of the poor, so far as relates to the counties of Habersham and Carroll, and for other purposes therein mentioned; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to change the time of holding the Superior Court of the county of Newton, and for other purposes therein mentioned; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to compensate Grand and Petit Jurors of the county of Catoosa; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to incorporate the Sixes Mining Company of Georgia.

On motion of Mr. Camden the following was adopted as a substitute for the 9th section, to-wit:

And be it further enacted, That the office of said Company shall be kept in the town of Canton, Cherokee county, Georgia, at which place all suits at Law or Equity, except

suits touching titles to land, against the Company, must be brought, and all suits, processes, summons, mandates and notices there served, and the service of a copy of any such writ, bill, process, summons, mandate and notice by the Sheriff of said county, or any other lawful officer either personally upon the President or any other officer of said company resident in said county, or by leaving the same at his, or their most notorious place of residence in said county shall be sufficient service; the report as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to incorporate the "Athens Guards," and confer upon them certain powers; the report was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Screven the rules were suspended and the following bills from the House of Representatives were taken up and read the first time, to-wit:

A bill to authorize the Inferior Court of Washington county to levy and collect an extra tax for the building of a Court House and Jail in said county.

B bill to change the name of the Augusta and Waynesboro' Rail-road to the Augusta and Savannah Rail-road, to amend the charter of said Company, and for other purposes.

On motion of Mr. Cone of Bulloch the rules were further suspended and the following bill from the House of Representatives was taken up and read a second time, to-wit:

A bill for the support of government for the political years eighteen hundred and fifty-six and eighteen hundred and fifty-seven.

The Senate took up the report of the Committee of the Whole on the bill to authorize Constables in and for the counties of Telfair, Irwin and Coffee who have taken oath and given bond in terms of the law, to serve any process whatever on the Sheriffs of their respective counties and return the same to the Court from whence such process issued.

The report was agreed to, the bill was read a third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill to add Lots of Land Nos. 117 and 118 in the 6th District of Irwin to Worth county; the report was agreed to, the bill was read a third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill to make Austin G. L. Cheek of the

county of Carroll the adopted heir of Martin and Elizabeth Crider; the report was agreed to, the bill was read a third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill for the relief of John J. Morris and John C. Morris of Clay county; the report was agreed to, the bill was read a third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill to change, define and limit the time of holding the Superior Courts of the counties of Crawford, Twiggs, Macon and Dooly, the report of the Committee of the Whole was agreed to, the bill was read a third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill to authorize the Superior Court of Marion county to grant a divorce between James H. Norman and his wife Elizabeth F. Norman upon certain conditions therein named; the report of the committee was agreed to, the bill was read a third time and lost.

The Senate took up the report of the Committee of the Whole upon the bill to compensate the Grand and Petit Jurors of the county of Tatnall, and to authorize the Inferior Court to assess such additional tax as may be necessary for that purpose.

Mr. Moody moved to amend by adding the following proviso to the second section, to-wit: "Provided that not more than twenty-four Petit Jurors shall be drawn or summoned for any term of said Court, except in criminal cases, in which a full panel may be made up from talismen; and that this act shall not go into effect until the first day of June next."

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill to reduce the Sheriff's bond of Tatnall county; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole upon the bill to amend an act entitled an act to amend an act to incorporate the Brunswick and Florida Rail-road company, passed 22d Dec., 1835, and, also, to amend an act amendatory of the same, assented to 27th December, 1838.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Cone of Greene the order was suspended, and the message from his Excellency the Governor was taken up and referred to the Select Committee on the Bank of Atlanta.

On motion of Mr. Cone of Greene, Messrs. Murphy and Beasley were added to the committee.

On motion of Mr. McMillan the special order of the day, which was the bill incorporating the North-Eastern Railroad Company was postponed, and made the special order for Tuesday 18th inst.

The Senate took up the report of the Committee of the Whole upon the bill to compensate the Petit Jurors of the counties of Dougherty, Lee, Worth and Calhoun.

On motion of Mr. Ware the same was amended by including the county of Polk; the report as amended was agreed to, the bill was read the third time and passed.

Leave of absence was granted Mr. Screven for a few days.

The Senate took up the report of the Committee of the Whole upon the bill to change the residence of Frederick Merit, Senior, of the county of Coffee to the county of Irwin.

On motion of Mr. Paulk the same was amended by adding Lots of Land numbers 205 and 206 in the county of Worth to the county of Irwin.

Mr. Cone of Greene moved to further amend the same by adding Lots of Land Nos. 210 and 211 in the 27th District of originally Cherokee, now Walker county to the county of Catoosa.

Pending the consideration of the same, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY. DECEMBER 13th, 1855.

The Senate met pursuant to adjournment.

Leave of absence was granted to Messrs. Roddenberry and King for a few days.

On motion of Mr. Dabney the rules were suspended and the resolution from the House of Representatives in relation to the selection of a site for the State Prison, was taken up and agreed to.

Messrs. Dunnagan and Pharr were appointed by the President the committee under the above resolution.

On motion the rules were suspended, and Mr. Smith offered the following resolution, to-wit:

Whereas a country has been recently opened to a general enterprise in the territory of Kansas eminently adapted to the culture of cotton; and to the production of this great staple necessity of the human family, the wealth and prosperity of our common country is mainly indebted; and, whereas the citizens of Georgia are deeply interested in the development of a region so deeply identified with their own productions, its mineral resources, and its future political

prospects ; and many of them by individual energy and private exertion are honorably engaged in the great and noble duty of enabling the territory of Kansas to take her position peaceably and quietly among the constituents of the American Union ; and, whereas, it is perceived with regret that spirit of self-minded ignorance and fanaticism has been engendered which threatens to oppose by lawless measure and open resistance to Constitutional authority the peaceful and legal emigration to this fertile country, to which we in common with the other States of this Union have a joint claim, and in which our own citizens have an undoubted and incontestible right to settle and seek a home as well as those of other States ; and, whereas the settlement and cultivation and development of this territory will greatly increase the production of the important Southern staple justly regarded as the only element of our National greatness, and without which the Federal Union would scarcely maintain a respectable position among the nations of the earth as the past history of the country, before the culture of cotton developed the resources of the Southern States, abundantly proves ; and, whereas the interest of the western section of this Union is closely identified with those of the Southern States as their system of Internal Improvements manifestly tend to direct their products to Southern seaports for a market and exportation to foreign countries, in all which the State of Georgia has a paramount interest, be it therefore,

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That we do hereby recommend that the sum of one hundred thousand dollars be appropriated and set apart from the Treasury of the State to aid and encourage the emigration to the territory of Kansas, to be paid over to such citizens, or companies composed of citizens of this State who may desire to establish themselves in said territory under such rules and regulations as the Legislature may from time to time direct.

On motion of Mr. Buchanan the same was referred to the Committee on the State of the Republic.

On motion of Mr. Murphy one hundred and twenty copies of the same were ordered to be printed for the use of the Senate.

On motion of Mr. McIntosh the following bill of the House of Representatives was taken up and read the first time, to-wit : A bill to authorize and direct his Excellency the Governor to draw his warrant on any funds in the State Treasury for the payment of the principal, interest and cost of a judgment in Baldwin Superior Court in favor of A. Rood, Administrator of Mrs. Blanche Gibson versus the Central Bank of Georgia, and for other purposes therein named.

On motion of Mr. Dabney the rules were further suspended.

ed, and the following bills of the House of Representatives were taken up and severally read the second time, to-wit :

A bill to change the times of holding the Superior and Inferior Courts of the county of Floyd.

A bill declaratory of an act for the relief of honest debtors, approved December 19th, 1823.

Mr. Gibson from the Committee on the Judiciary to whom was referred three separate bills : To alter and amend the first Section of the third Article of the Constitution of this State, reported that they had had the same under consideration, and recommend that each be passed.

Mr. Hardeman from the Committee of Enrolment, reported as duly enrolled and ready for the signature of the President of the Senate, an act to preserve and dispose of the property and effects of incorporations after their dissolution, and to provide for the payment of the debts due by the same.

Mr. Peebles from the committee to whom was referred the several bills to form new Judicial Circuits in this State, and to take into consideration the propriety of "equalizing the labors of the Judges of the Superior Courts of this State," having had the same under consideration. ask leave to report that they have given the subject committed to their charge a great deal of consideration with a view to harmonizing conflicting interest and so arranging the Circuits as to prevent the necessity of changes hereafter. Looking to this we have prepared and herewith submit to the General Assembly a bill by which we have endeavored to make a permanent arrangement of the Circuits upon the several grounds of geographical relation, present and probable amount of legal business and the general convenience of the people which we have considered the proper and only proper basis for the arrangement of the Circuit. All of which is most respectfully submitted.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President: The House of Representatives have passed the following bill, to-wit :

A bill to be entitled an act to compensate Almon Guinn for the apprehension and delivery of William Mitchell a fugitive from Justice, and to appropriate money for the same.

They have, also, passed the following bill of the Senate, to-wit :

A bill to be entitled an act to incorporate the Canton Mining Company of Georgia.

On motion of Mr. Landrum the Senate took up the special order of the day, which was the consideration of the report of the Committee of the Whole upon the bill for the pardon of Jacob Mercer of the county of Stewart, now under sentence of death for the crime of murder.

Mr. Guerry moved to amend the original bill by striking

out all after the enacting clause and inserting in lieu thereof the following, to-wit :

That Jacob Mercer now under sentence of death for the crime of murder, be confined in the Penitentiary, or such other place as the Governor shall direct, at hard labor for and during the period of four years.

Sec. 2nd. It shall be the duty of Governor when this act shall have passed to cause an exemplified copy of the same to be transmitted to the Shériff of Stewart county, and it shall be the duty of said Sheriff upon the receipt of the same not to execute sentence of death upon said Jacob Mercer, but forthwith to notify the Principal Keeper of the Penitentiary that said Jacob Mercer is confined in the Jail of said county, and is to be confined in the Penitentiary for life, agreeable to the provisions of this act, and it shall be the duty of the Principal Keeper of the Penitentiary to cause said Jacob Mercer to be conveyed to the Penitentiary agreeable to the laws and regulations in relation to the conveyance of other convicts, and it shall be the duty of said Sheriff at the time he delivers said Jacob Mercer to the Penitentiary Guard to deliver, also, the exemplified copy of this act which shall be delivered to the Principal Keeper, and filed in this office.

Mr. Miller raised a point of order that the Senate had no jurisdiction of the same.

Pending the discussion thereon, the Senate adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment,

And proceeded with the unfinished business of the morning, which was the consideration of the point of order raised by Mr. Miller to the amendment of Mr. Guerry to the bill for the pardon of Jacob Mercer.

The Chair decided the same to be in order—Mr. Miller appealed from the decision of the Chair, and upon the question, "Shall the decision of the Chair stand as the judgment of the Senate," the yeas and nays were required to be recorded, and are yeas 39, nays 56.

Those voting in the affirmative are Messrs. Adams, Atkinson, Brice, Brown of Calhoun, Calhoun, Camden, Coffee, Colbert, Cone of Greene, Cumming, Gibson, Guerry, Hamilton, Hays, Head, Hill, Hines, Jamison, Jeter, Landrum, Lawson of Burke, Long, Lott, Matthews, McDonald, McIntosh, McMillan, Moore of Cobb, Moreland, Morris, Newton, Patterson of Gilmer, Sapp, Shropshire, Simms, Spalding, Strickland, Wales and White.

Those voting in the negative are Messrs. Allred, Ashe, Baxter, Beall, Beasley, Billups, Bloodworth, Brown of

Baldwin, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Causey, Chastain, Cone of Bulloch, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gordon, Hardeman, Harris of Taliaferro, Harris of Worth, Howell, Knight, Maddux, Marshall, McCrimmon, McGuire, Miller, Moody, Moore of Lincoln, Murphy, Murray, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Ragan, Reddish, Renfroe, Robinson, Rudsisill, Scott, Screven, Studstill, Sumner, Turner, Wellborn, Whitaker, Wingfield and Wynn.

So the decision of the Chair was overruled.

The report was agreed to, the bill was read the third time and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 30, nays 67.

Those voting in the affirmative are Messrs. Adams, Atkinson, Brice, Brown of Calhoun, Buchanan, Camden, Causey, Chastain, Coffee, Dunnagan, Gibson, Gordon, Guerry, Harris of Worth, Hays, Jamison, Jeter, Landrum, Lawson of Burke, Long, Lott, Matthews, McCrimmon, McDonald, Moore of Cobb, Newton, Patterson of Gilmer, Sapp, Shropshire and White.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Baxter, Beall, Beasely, Billups, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dixon, Dupree, Fambro, Gray, Hamilton, Hardeman, Harris of Taliaferro, Hill, Hines, Howell, Knight, Maddux, Marshall, McGuire, McIntosh, McMillan, Miller, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Pope, Ragan, Renfroe, Robinson, Rudisill, Simms, Scott, Screven, Spalding, Strickland, Studstill, Sumner, Turner, Wales, Ware, Wellborn, Whitaker, Wingfield and Wynn.

So the bill was lost.

Mr. Atkinson moved to adjourn until to-morrow morning 10 o'clock, whereupon the yeas and nays were required to be recorded, and are yeas 41, nays 48.

Those voting in the affirmative are Messrs. Avery, Beall, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Cannon, Carlton, Chastain, Coffee, Crowder, Cumming, Dupree, Fambro, Gordon, Guerry, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Jamison, Knight, Landrum, Lawson of Burke, Matthews, McCrimmon, McIntosh, Moody, Moreland, Murray, Nichols, Patterson of Gilmer, Paulk, Pope, Renfroe, Robinson, Sapp, Shropshire, Simms, Wales and White.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Baxter, Beasely, Billups, Bloodworth, Brice, Buchanan, Calhoun, Camden, Cantrell, Colbert, Cone of Bul-

loch, Cone of Greene, Dabney, Dixon, Dunnagan, Gray, Hamilton, Head, Hill, Howell, Jeter, Long, Lott, Muddux, Marshall, McDonald, McGuire, Miller, Moore of Lincoln, Morris, Murphy, Newton, Patterson of Jefferson, Peeples, Pharr, Ponder, Ragan, Rudisill, Scott, Screven, Spalding, Studstill, Sumner, Turner, Whitaker and Wynn.

So the motion was lost.

Mr. Harris of Worth moved that the Senate adjourn until to-morrow morning at half-past 9 o'clock, whereupon the yeas and nays were required to be recorded, and are yeas 39 and nays 43.

Those voting in the affirmative are Messrs. Ashe, Beall, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Cannon, Carlton, Chastain, Coffee, Crowder, Cumming, Dupree, Fambro, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Lott, Matthews, McCrimmon, McIntosh, Moody, Moore of Cobb, Patterson of Gilmer, Ponder, Pope, Renfroe, Robinson, Sapp, Shropshire, Simms, Sumner and Wales.

Those voting in the negative are Messrs. Adams, Allred, Avery, Beasley, Brown of Gwinnett, Calhoun, Camden, Cantrell, Colbert, Cone of Bulloch, Cone of Greene, Dabney, Dixon, Dunnagan, Gray, Gordon, Guerry, Hamilton, Hill, Howell, Long, Marshall, McDonald, Miller, Moore of Lincoln, Moreland, Murphy, Murray, Nichols, Patterson of Jefferson, Paulk, Peeples, Pharr, Ragan, Rudisill, Scott, Screven, Spalding, Strickland, Studstill, Turner, Whitaker and Wynn.

So the motion was lost.

On motion of Mr. Miller, the Senate adjourned until this evening at 7 o'clock.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Cone of Bulloch the following bills of the House of Representatives were taken up and read the second time, to-wit :

A bill to change the time of holding the Inferior Court of Spalding county.

A bill to incorporate the Georgia Military Institute and appropriate money therefor.

A bill authorizing the Inferior Court of Washington county to levy and collect an extra tax for the building of a Court House and Jail in said county.

A bill changing the name of the Augusta and Waynes-

boro, Rail-road to the Augusta and Savannah Rail-road ; to amend the charter of said Company, and for other purposes.

A bill incorporating the Medical College in the city of Savannah.

A bill incorporating the Garnet Hill Mining Company.

On motion of Mr. Cone of Bulloch the following bills of the House of Representatives were taken up and read the first time, to-wit :

A bill to authorize the drawing of Grand and Petit Jurors in the county of Dougherty.

A bill to incorporate Columbus Fire Company No. 4.

A bill for the relief of James Monroe Mitchell of the county of Muscogee.

A bill for the relief of Robert McIntyre of the county of Chatham.

A bill to authorize the Inferior Court of Catoosa county to levy an extra tax for county purposes, upon recommendation of the Grand Jury of said county.

A bill for the relief of Edward Stonfield of the county of Henry.

A bill changing the time of service in relation to subpoenas issuing from Justices Courts to compel discoveries at common law.

A bill incorporating the town of Jefferson in the county of Camden, and for other purposes.

A bill to compel all persons residing out of the limits of the State of Georgia, and who own lands in any of the counties of this State, improved or unimproved, to give in and pay tax for the same in the county where the land lies.

A bill to alter and change the name of the county of Kinchafoonee, and for other purposes.

A bill authorizing the Justices of the Inferior Court of the county of Gwinnett to levy an extra tax for the erection of a new Court House in said county.

A bill incorporating the Nicojac Rail-road and Mining Company.

A bill authorizing the Inferior Court of Polk county to levy an extra tax for county purposes, upon recommendation of the Grand Jury of said county.

A bill incorporating Sandy Run Academy in the county of Houston.

A bill incorporating Randolph College in Cuthbert.

A bill to amend an act assented to December 24th, 1847, incorporating the Muscogee Asylum.

A bill incorporating Houston Lodge No. 98 of Free and Accepted Masons.

A bill authorising the Judges of the Inferior Courts of the counties of Liberty and McIntosh to appoint a competent

Surveyor from their respective counties to run out and define the dividing lines between said counties.

A bill to extend the jurisdiction of Magistrates' Courts within the corporate limits of the city of Augusta to fifty dollars.

A bill authorizing Uriah Evans of Twiggs county to peddle in the county of Twiggs.

A bill incorporating St. John the Baptist Lodge No. 184 of Free and Accepted Masons.

A bill incorporating the Methodist Episcopal Church in Tatnall county, known as Brewton's Church.

A bill to alter and amend the 18th and 19th Sections of the first Article of the Constitution of the State of Georgia.

A bill authorizing the Inferior Court of Laurens county to levy an extra tax for county purposes.

A bill to alter and amend the several Judiciary acts now in this State, so far as relates to the Justices' Courts, approved December 14th, 1811, and for other purposes.

A bill to add a part of originally Union county to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and for other purposes.

A bill amendatory of the several acts incorporating the city of Rome in this State.

A bill to alter and change the line dividing the counties of Camden and Charlton, and for other purposes.

A bill authorizing Charles Cowart of the county of Clinch and Harman N. Sapp of the county of Lowndes to vend goods, wares and merchandise within said counties.

A bill to authorize the Inferior Court of Decatur county to levy a tax for certain purposes therein mentioned.

A bill for the relief of Margaret Marchman formerly Margaret Watson of the county of Greene, and to change the name of Margaret Marchman to that of Margaret Watson.

A bill authorizing persons who own, or who may own lands on any water courses in this State, to ditch and embank the same, so as to protect said lands from freshets and overflows.

A bill for the relief of Margaret F. Durand wife of Samuel Durand of the town of Lagrange, and other persons therein named.

A bill to repeal the third Section of an act to make permanent the site of the public buildings in the county of Emanuel, and for other purposes therein mentioned.

A bill incorporating Holmesville Lodge No. 195 of Free and Accepted Masons.

A bill to simplify the method of carrying cases to the Supreme Court.

A bill amending the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Glynn.

A bill authorizing the Justices of the Inferior Court of the county of Wayne, on the recommendation of the Grand Jury of said county, to levy an extra tax to be applied to common school purposes, to appoint Commissioners, and for other purposes therein mentioned.

A bill to authorize the Justices of the Inferior Courts of the several counties in this State, upon the recommendation of the Grand Juries thereof, to assess and collect a tax for the payment of Grand and Petit Jurors, or Grand or Petit Jurors, and at their pleasure to discontinue, and again to reassess the same upon said recommendation.

A bill for the relief of Ward H. Wakefield & Co., of Clay county.

A bill to alter and amend an act entitled an act to carry into effect the amended Constitution of this State in reference to Ordinaries of this State, and for other purposes, assented to January 21st, 1852, so far as relates to the county of Tatnall.

A bill to amend the eleventh Section of the Judiciary Act of 1799.

A bill to repeal an act entitled an act to reduce the fees of the several Tax Collectors hereafter to be elected for the county of Liberty, and for other purposes therein named.

A bill to incorporate certain persons under the name and style of the Columbus Iron Works Company.

A bill to consolidate Osborn's and Poplar Precincts in Hancock county.

A bill to authorize the selection and permanent location of a county site in the county of Wayne to authorise the building of a new Court House, and the levying of an extra tax, and for other purposes therein named.

A bill to incorporate Bibb county Orphan Asylum.

A bill to provide a correct registry of deaths occurring in the city of Savannah, and of interments in said city and its vicinity, and for other purposes.

A bill to make final disposition of the assets of the Central Bank, and for other purposes.

A bill to amend the several rent laws of this State.

A bill to incorporate Ocmulgee Mills.

A bill to incorporate the Atlanta Gas Light Company.

A bill to incorporate the Greenville Masonic Female Institute, and to confer powers on the same.

A bill to amend an act entitled an act to incorporate the village of Ringgold, approved December 27th, 1847, to define the boundary of said incorporation and to confer certain powers upon the Commissioners of said village.

A bill to add an additional section to the Penal Code.

A bill to exempt all persons over forty-five years of age from patrol duty, and to shorten the time of service of patrol companies from six to three months.

A bill to make and constitute Anistasia Lorentine Horn wife of Alfred Horn of Bibb county a sole trader.

A bill for the relief of Spencer Caldwell of the county of Clay.

A bill to repeal an act to amend the 10th Division of the Penal Code of this State.

A bill to change the residence of John W Darracott from the county of Warren to the county of Taliaferro.

A bill to amend an act to alter and amend the several Judiciary acts now of force in this State, so far as relates to Justices' Courts and to enlarge the jurisdiction of the Justices of the Peace in Fulton county.

A bill to incorporate White Path Gold and Copper Mining Company of North-Western Georgia.

A bill to reduce the number of Jurors required for Coroner's inquests in the county of Chatham.

A bill to appropriate a sum of money to remove obstructions from the Big Satilla River, and to render the same navigable for timber, rafts, lumber, wood and other produce thereon, and for other purposes.

A bill to appropriate one hundred dollars to be refunded to Samuel Walker of Fulton county, who paid that amount over and above his lawful tax to the State for the year 1854.

A bill to allow Trustees to make returns to the Court of Ordinary.

A bill for the relief of Francis Pousell an infirm and indigent person.

A bill to amend the laws of this State relative to imprisonment for debt.

A bill to lay out a new county from the counties of Polk and Carroll, and to organize the same.

A bill to allow the Justices of the Inferior Court of the county of Charlton to examine and allow to the Tax Collector of said county their insolvent lists.

A bill to provide a remedy for Mechanics and Masons, and to give efficiency to the lien now allowed by law.

A bill to incorporate Salt Springs Academy in Campbell county, and to appoint Trustees for the same.

A bill to alter and amend an act to compel the Judges of the Superior Courts of this State to convene at Milledgeville for the purpose of establishing uniform rules of practice.

A bill to amend an act to alter and amend the several Judiciary acts, now in force in this State, so far as the same relates to Justices' Courts.

A bill to authorize certain persons therein named, to clear out and improve the navigation of the Chattahoochee river above the Western & Atlantic Rail-road.

A bill for the relief of Mary W. Gresham formerly Mary W. Triplett of Wilkes county, and to change the name of Mary W. Gresham to that of Mary W. Triplett.

A bill to allow the Justices of the Inferior Court of Paulding county to levy an extra tax on the State tax.

A bill for the relief of Joseph L. Robinson of Appling county.

A bill for the relief of Susan Murray of the county of Charlton.

A bill to submit the question of removal of the Court House of Macon county to the people thereof.

A bill to allow the Justices of the Inferior Court of Chatham county to borrow money and levy, and collect an additional and extraordinary tax for the building of a new jail in said county.

A bill to authorise the Justices of the Inferior Court of the counties of Liberty and Bryan to appoint a competent surveyor from their respective counties, to properly run out, and clearly define the dividing line between said counties.

A bill to appropriate money for the benefit of the Georgia Asylum for the Deaf and Dumb, and for other purposes.

A bill to authorise Avner Burnam of Houston county as guardian of Jas. R. R. Haddock; to settle with and pay over to his ward his estate, and for other purposes therein named.

A bill to confer certain rights and privileges on Charles K. Jarrett, his heirs and assigns, for the term of twenty-five years.

A bill to provide for the survey of the sixth district of Habersham county.

A bill to amend the road laws of this State, so far as the same relates to the county of Glynn.

A bill to define the liabilities of the husband for the debts of the wife, and to define the liability of property received through the wife, for the debts of the husband existing at the time of the marriage.

A bill to incorporate the Columbus Savings and Mutual Loan Association.

A bill to incorporate the town of Cusseta in Chattahoochee county, and to render the county site permanent; and to appoint an Intendant and Commissioners, and to regulate the duties of the same.

A bill preventing any person from throwing dead stock or other dead carcasses in Cotticay or Chattahoochee Rivers, or timber that would be likely to create drifts.

A bill for the relief of Jeremiah J. Gafford of the county of Stewart.

A bill to consolidate the offices of Tax Receiver and Tax Collector of the county of Worth.

A bill to confirm and ratify the action of the Superior Court of Muscogee county in granting charters to the Muscogee Building and Loan Association, and the Columbus Building and Loan Association, and legalise the acts of said Association.

A bill to reduce the bonds of the Sheriffs of the county of Coffee to the sum of eight thousand dollars.

A bill to amend the road laws of this State so far as relates to the county of Coffee.

A bill to incorporate the Ladies' Benevolent Society of Savannah.

A bill to repeal the first section of an act to grant exemptions to Cavalry Corps, &c., approved January 22d, 1852, so far as relates to the county of Gordon.

A bill to amend the several acts of the General Assembly of the State of Georgia relating to the Savannah and Albany Rail-road Company, and the Savannah, Albany and Gulf Rail-road Company, approved respectively on the 25th day of December, 1847, the 20th day of November, 1851, and the 20th day February, 1854, and to authorise the Southern branch of said Savannah, Albany and Gulf Rail-road Company to cross the line of the Brunswick and Florida Rail-Road Company.

A bill to alter and amend an act entitled an act to extend the civil jurisdiction of Justices of the Peace in the city of Savannah, and for other purposes; assented to 17th February, 1854.

A bill to change the line dividing the counties of Coweta and Merriwether; and also to change the line dividing Pickens and Cherokee, so as to add lot of land No. 133, 23d dist. 2d section, to Cherokee county.

A bill for the relief of James Wright, Jr., Jefferson Wright and others, securities of Stephen Wright, formerly Tax Collector of Putnam county, from the payment of twenty per centum interest per annum, on an execution issued by the Comptroller General of this State against the said Stephen Wright, Tax Collector as aforesaid, and said James Wright, Jr. and others, securities of the same, on the first day of October, 1855; and for other purposes therein mentioned.

On motion of Mr. Crowder, the rules were suspended and the Senate took up for a second reading, the following bill, to-wit :

A bill to be entitled an act for the relief of Wm. J. P. Phinazee of the county of Monroe, a minor in the twentieth year of his age.

On motion of Mr. Cone of Greene, the rules were further suspended, and the Senate took up the report of the Committee of the Whole on a bill for the relief of James Henry Fannin, a minor of Troup county. The report was agreed to; the bill was read the third time and passed.

The following message was received from his Excellency the Governor, through Mr. deGraffenried his Secretary :

Mr. President—I am directed by the Governor to transmit to the Senate a communication in writing :

EXECUTIVE DEPARTMENT, }
 Milledgeville, Ga., December 13th, 1855. }

To the Senate and House of Representatives :

Scattered over the State many lots of land remain ungranted. Applications for grants are frequently made and in consequence of the many acts of previous Legislatures touching the subject, some of them in apparent conflict, it is often difficult to decide whether the lots applied for are grantable; and if so, under what provision of law.

There are also, many fractional lots neither subject to be granted or sold, under existing laws. I therefore recommend the passage of a law repealing all previous acts on the subject, and authorizing all ungranted lands of every description, to be sold at the Capitol to the highest bidder, by an agent appointed by the Executive.

I advise the sale to be made here, because I believe the lands will thus command a higher price, and it will diminish the expense of selling.

The longer continuance of the Head Rights Laws is of doubtful propriety. They should be repealed and the Land Court, appropriate to the subject, abolished. The applications for grants under the Head Rights laws, has degenerated into a positive nuisance, and in nine cases out of ten, the grants issued are unjust and oppressive to innocent holders, who have had quiet possession for almost half a century.— It is not doubted that there are still vacant lands in Georgia, liable to be run up and granted under existing laws. To the true value of such lands the State is justly entitled. I submit whether it would not be wise in the Legislature to vest the original jurisdiction of all questions touching the subject in the Superior Courts of the counties in which such vacant lands may be situated. The form of proceeding might be made entirely simple and yet protect both the rights of the State and the rights of any individual claiming the land alleged to be vacant. The passage of a law with the following provisions, would meet the exigency.

1. When any person believes land to be vacant, let him apply to the Superior Court in which the land is situated, for an order of survey, describing therein the boundaries of the same. Having obtained the order, let him give ten days' notice to the adjacent land-holders, and sixty days' notice in the nearest public gazette, that on a given day, he will proceed with the County Surveyor, to run the same. It shall then be the duty of the County Surveyor to return said survey, together with a correct plat, showing accurately the boundary lines thereof, and all intersecting lines of adjacent lands, which shall be made the judgment of the court, that said land is vacant. But when said survey shall be returned it shall be the right of any person during the term of the

court to which such survey is returnable, to except to the same and suggest that the land described is not vacant, whereupon an issue shall be made up and submitted to a special jury, to try the question of vacancy, whose verdict shall be conclusive.

2d. Where land has been determined to be vacant under this act, and a certified copy of the proceedings under the seal of the Clerk of the Superior Court of the county in which the land is situated, shall be submitted to the Governor, it shall be his duty, provided he shall be satisfied upon enquiry at the Surveyor General's office, that no grant has been legally issued, covering said land, to cause the same to be sold, under the rules and regulations of Sheriff's sales, at public outcry to the highest bidder, by a special agent by him appointed, who shall be sworn to act impartially and not to be interested either directly or indirectly in such sale, and required to give bond and security, to be approved by the Governor, for the prompt payment of the proceeds of the sale, into the State Treasury, and the Governor shall issue a grant for the same, to the purchaser, upon the production of the certificate of the Agent, that he is the purchaser thereof.

3d. Where any person shall have been in actual possession of the land alleged to be vacant, for twenty years, a grant shall be presumed to have been issued, and the land not liable to be sold under the provisions of this act.

4th. As an inducement to prompt to the ferreting out of such vacant lands in Georgia, it might be well to provide that the person instrumental in condemning land as vacant, under the provisions of this law, should receive a reasonable per centum upon the proceeds of the sale thereof, as compensation for his trouble and vigilance.

The reason which led the State of Georgia, in her infancy, to pass our laws on the subject of Head Rights, has long since ceased to exist. In her early settlement, she desired to increase her strength by population, and therefore offered inducements to the occupancy of her soil. But this necessity has passed away, and therefore, the laws to which it gave origin; and should not be longer continued.

HERSCHEL V. JOHNSON.

On motion the Senate then adjourned till to-morrow morning at 10 o'clock.

FRIDAY, DECEMBER 14th, 1855.

The Senate met pursuant to adjournment.

Mr. Long moved to reconsider so much of the journal of yesterday, as relates to the action of the Senate on the

bill for the pardon of Jacob Mercer of Stewart county, now under sentence of death for the crime of murder.

Whereupon the yeas and nays were required to be recorded, and are yeas 35, nays 63.

Those voting in the affirmative are Messrs. Adams, Atkinson, Brice, Brown of Calhoun, Buchanan, Camden, Chastain, Coffee, Colbert, Cone of Greene, Cumming, Dunningan, Gordon, Griffin, Guerry, Harris of Worth, Hays, Head, Jamison, Jeter, Landrum, Long, Lott, Matthews, McDonald, McMillan, Moore of Cobb, Newton, Patterson of Gilmer, Sapp, Shropshire, Strickland, Ware. White and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Baxter, Beall, Beasley, Billups, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Causey, Cone of Bulloch, Crowder, Dabney, Dixon, Dupree, Fambro, Gray, Hamilton, Hardeman, Harris of Taliaferro, Hill, Hines, Howell, Knight, Maddux, Marshall, McCrimmon, McGuire, McIntosh, Miller, Moody, Moore of Lincoln, Moreland, Murphy, Murray, Nichols, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Ragan, Reddish, Renfroe, Robinson, Rudisill, Simms, Scott, Screven, Smith, Studstill, Summer, Swinney, Turner, Wales Wellborn, Whitaker and Wynn.

So the motion was lost.

On motion of Mr. Miller the rules were suspended, and the Senate took up the report of the Committee of the Whole, on a bill from the House of Representatives, to be entitled an act declaratory of the intention of the act entitled an act for the relief of honest debtors, approved on the 19th December, 1823.

Mr. Miller, moved to amend by adding the following as an additional section, to-wit :

And be it further enacted, That any person who has given bail in any civil suit, shall be entitled to the benefit of the act for the relief of honest debtors, upon giving notice, filing his schedule, and appearing in Court for that purpose, and on his appearance he shall be subject to be proceeded against in the same manner as if he had been arrested and given bond under said act.

The motion was agreed to; the report as amended was agreed to; the bill was read the third time and passed under the title thereof.

On motion of Mr. Miller, the same was ordered to be returned forthwith to the House of Representatives.

Mr. Atkinson reported a bill to enforce and carry into effect an act approved January 8th, 1852, entitled an act to provide for the taking the census of the State of Georgia, in pursuance of the requirements of the twenty-fifth section of the first article of the Constitution of the State of Georgia,

so far as relates to the counties of Camden, Glynn and Charlton; which was read the first time.

Mr. Beasely laid upon the table the following resolution, to-wit:

Whereas, Ransom, a negro man hired on the Western & Atlantic Railroad, did, in the year 1845, by his own most strenuous exertions, and unaided for much of the time, save the Chattahoochee bridge from conflagration when on fire, and thus preserved a property which cost the State of Georgia seventy-five thousand dollars; and whereas, the said negro, for such fidelity and valuable services, was purchased by the Chief Engineer of the said Road, under a resolution of the General Assembly of this State, assented to December 5th, 1849, and whereas, the said negro man has been in the constant and faithful employ of said Railroad since the time of said purchase, as any other ordinary hand without any specific pay for his services.

Be it therefore Resolved, by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the General Superintendent of the Western & Atlantic Railroad, be authorized and required to pay to said negro man, Ransom, eight dollars per month, to be paid monthly, as a compensation for the valuable services he has rendered this State, to be continued so long as he shall continue faithful in the discharge of his duties in the employ of said Railroad.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk:

Mr. President—I am directed by the House of Representatives to inform the Senate that they have concurred in the amendment of the Senate to the bill of the House, entitled an act declaratory of the intention of the act for the relief of honest debtors, approved 19th December, 1823.

Mr. Billups reported a bill to be entitled an act to incorporate Madison Town Hall Company; which was read the first time.

Mr. Calhoun reported a bill to incorporate Mount Zion Chapter, number 16, of Royal Arch Masons, in the city of Atlanta; Which was read the first time.

Mr. Cone of Greene reported a bill for the relief of persons who have been legally divorced from the bonds of matrimony in this State; which was read the first time.

Mr. Gordon reported a bill to prohibit any person or persons from driving cattle on the Look Out Mountain in the counties of Walker and Dade in certain months of the year; which was read the first time.

Mr. Maddux reported a bill for the relief of Mary Ann Thompson and others; which was read the first time.

Mr. McIntosh reported a bill for the compensation of Grand and Petit Jurors of the Superior and Inferior Courts of the county of Elbert; which was read the first time.

Mr. Morris reported a bill to be entitled an act to amend the several acts to incorporate the town of Spring Place, and to prescribe the powers of the commissioners of said town; which was read the first time.

Mr. Robinson reported a bill to alter and fix the times of holding the Superior Courts of the counties of Irwin, Telfair, Pulaski and Laurens; which was read the first time.

Mr. Shropshire reported a bill to incorporate the Summer-ville male and female Academies, and for other purposes therein specified; which was read the first time.

Mr. Strickland reported a bill to be entitled an act to manumit Daniel, a negro man, and Lucinda, a negro woman, the slaves of Harrison H. Riley, of Lumpkin county; which was read the first time.

Mr. Swinney reported a bill to extend to the county of Kinchafoonee, the provisions of an act entitled an act to amend the Road Laws of this State, so far as relates to the counties of Wilkes, Laurens, Lincoln, Columbia and Twiggs, approved February 20th, 1854; which was read the first time.

Mr. Cantrell reported a bill to be entitled an act for the relief of James Godard; which was read the first time.

Mr. Hill laid upon the table the following resolution, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia, That his Excellency, the Governor, be requested to furnish three copies of Cobb's Forms and Analysis to the Inferior Court of Harris County, for the use of the Clerks of the Superior and Inferior Courts of said county, and also one copy to the Justice Courts of the 321st District, G. M., of Baldwin county.

On motion of Mr. Hardeman, the rules were suspended, and the Senate took up the report of the Committee of the Whole on the bill from the House of Representatives to appropriate money for the support of government for the years 1856 and 1857.

On motion, the Senate went into Committee of the Whole, Mr. Miller in the Chair, on said bill, and having consumed some time in consideration thereon, the Committee rose and reported the bill back to the Senate with amendments.

On motion the report was taken up.

Mr. Cone of Bulloch moved to amend the fourth section, by striking out the words "public route," and inserting in lieu thereof the words, "the distance to be computed by the nearest route usually travelled," which was agreed to.

Mr. Miller moved further to amend the fourth section by inserting the words "not including Railroad or steam boat travel," which was agreed to.

Mr. Wales moved further to amend the fourth section, by striking out, "five dollars each per day to the members

of the General Assembly," and inserting in lieu thereof "six dollars each per day to the members of the General Assembly."

Whereupon the yeas and nays were required to be recorded and are yeas 42, nays 49.

Those voting in the affirmative are Messrs. Adams, Atkinson, Beasley, Billups, Brown of Baldwin, Brown of Calhoun, Carlton, Causey, Chastain, Cone of Greene, Cumming, Dupree, Fambro, Gordon, Griffin, Guerry, Hardeman, Harris of Worth, Head, Hines, Jeter, Knight, Landrum, Lawson of Burke, Long, Lott, Matthews, McCrimmon, Moody, Moore of Lincoln, Murphy, Nichols, Ragan, Reddish, Renfro, Simms, Scott, Spalding, Turner, Wales, and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Baxter, Beall, Bloodworth, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Coffee, Colbert, Cone of Bulloch, Crowder, Dabney, Dunnagan, Gray, Hamilton, Harris of Taliaferro, Hays, Hill, Howell, Jamison, Maddux, Marshall, McDonald, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Moreland, Morris, Murphy, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Pope, Robinson, Rudisill, Sapp, Shropshire, Screven, Smith, Sumner, Swiney, Welborn, Whitaker, and White.

So the motion was lost.

Leave of absence was granted for a few days to Messrs. Pharr and Gibson.

On motion the Senate then adjourned till to-morrow morning at 10 o'clock.

SATURDAY, DECEMBER 15th, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Crowder the rules were suspended, and the Senate took up the report of the Committee of the Whole on a bill to be entitled an act for the relief of William J. P. Phinazee of the county of Monroe, a minor in the twentieth year of his age.

On motion of Mr. Buchanan, the same was amended by adding the name of Gilbert L. Hudson, of Coweta, Hugh Brewster guardian.

On motion of Mr. Ponder the same was amended by adding the name of Francis Marion Sweatman.

On motion of Mr. Baxter, the name of Stephen Pearson of Hancock was added.

On motion of Mr. Cone of Bulloch, the name of John C. Everett, Benj. Ellis guardian was added.

On motion of Mr. Lawson, the name of Emery R. Las-

siter, of Burke, Joseph A. Shewmake, guardian, was added.

On motion of Mr. Fambro, the same was amended by inserting the following as a proviso—"and when it appears that the said wards desire the passage of an act allowing his said guardian to settle with him."

On motion of Mr. Pope, the same was postponed indefinitely.

On motion of Mr. Jeter, the message from his Excellency the Governor, in relation to the Land Laws, which was received on the 13th inst., was taken up and read.

On motion of Mr. Cone of Bulloch, the same was referred to a select Committee of five.

Mr. Lawton laid upon the table a petition from sundry citizens of the South-Western Circuit, in relation to the formation of a new Judicial Circuit. The same was laid over for the present without being read.

Mr. Wales offered the following resolution, to-wit :

Resolved, That the following be added to the standing rules of the Senate for the present Session. "No Senator shall make a motion or vote on any question before the Senate, unless said Senator be at his seat at the time."

Mr. Wales moved to take up the same, which was lost.

The Senate proceeded to take up the unfinished business of the last adjournment, which was the consideration of the bill to be entitled an act to appropriate money for the support of government for the political years 1856 and 1857.

Mr. Moore of Lincoln moved to amend the section, by striking out "six" and insert in lieu thereof the word "five."

Whereupon the yeas and nays were required to be recorded, and are yeas 21, nays 70.

Those voting in the affirmative are Messrs. Baxter, Brown of Calhoun, Carlton, Colbert, Cone of Bulloch, Dixon, Dunnagan, Dupree, Fambro, Gray, Hill, King, Marshall, Moore of Lincoln, Moreland, Morris, Pharr, Ragan, Simms, Studstill and Welborn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Beall, Bloodworth, Brice, Brown of Baldwin, Buchanan, Calhoun, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dabney, Gordon, Griffin, Guerry, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Head, Hines, Howell, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrummon, McDonald, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Ponder, Pope, Reddish, Renfroe, Robinson, Rudisill, Sapp, Shropshire, Scott, Spalding, Strickland, Sumner, Swinney, Whitaker, White, Wingfield and Wynn.

So the motion to strike out was lost.

The bill having been gone through with by sections, the report of the Committee was agreed to ; the bill was read the third time and passed under the title thereof.

On motion of Mr. Long the rules were suspended, and the following bill of the House of Representatives was taken up and read a second time, to-wit :

A bill to be entitled an act for the relief of Francis Ponsill, an infirm and indigent person.

Mr. Lawton moved to suspend the rules to take up for a second reading, a bill in relation to new Judicial Circuits, reported by Committee, which was lost.

Mr Hardeman from the committee on enrollment reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate : an act declaratory of the intention of the act, entitled an for the relief of honest debtors, approved on the 19th of December, 1823, and to allow persons arrested under mesne process the benefit of the same.

The Senate took up the unfinished business of Thursday. which was the report of the Committtee on a bill to be entitled an act to change the residence of Frederick Merit, Sr., of the county of Coffee, to the county of Irwin.

On motion of Mr. Miller, unanimous consent was granted to Mr. Cone of Greene, to withdraw an amendment offered by him in relation to certain lots of land in Walker county.

Mr. Dunnagan offered the following amendment which was agreed to, to-wit :

And be it further enacted, That the residence of David Garvin of the county of Lumpkin, be changed by adding so much of lot of land that lies in Lumpkin distinguished by the number one hundred and two, in the eleventh district or originally Hall, to the county of Hall.

Mr. Long moved further to amend the same by adding the following, to-wit :

“ That the line between the county of Glynn and Wayne be so altered as to make the Post Road, leading from Fort Barrington to the little St. Illa River, the line between the county of Wayne and Glynn ; which was agreed to.

On motion of Mr Hamilton the same was further amended by adding the following, to-wit :

And be it further enacted. That lots of land number 136 and 153 in the 14th district of the county of Dooly, in term of survey be added to the county of Dooly.

On motion of Mr. Strickland the same was further amended by adding the following, to-wit :

And be it further enacted, That the line of Forsyth and Cherokee counties be so changed as to include lot of land number two hundred and fifty two in the second district and second section of the county of Forsyth.

On motion of Mr. Patterson of Jefferson, the same was further amended by adding the following, to-wit :

That Zachariah Brown of the county of Emanuel, be added to the county of Jefferson.

On motion of Mr. White the same was further amended by adding the following, to-wit:

That John B. McGinnis of the county of Madison, be added to the county of Jackson.

On motion of Mr. Jeter the same was amended by adding the following, to-wit:

Be it further enacted, That lots of land No's [158] one hundred and fifty-eight, [159] one hundred and fifty-nine, [160] one hundred and sixty and [162] one hundred and sixty-two, of originally Muscogee now Taylor County, the property of Emson Miller, and upon which said Miller now resides, be added to and become a part of Marion county, and that lot number 122 in the 32d district of originally Lee now Stewart county, upon which John G. Stokes now resides, be and the same is hereby added to the county of Marion.

On motion of Mr. Paulk the same was further amended by adding the following, to-wit:

That lots of land No's. 205 and 206 in the county of Worth be added to Irwin county.

The report of the Committee of the Whole, as amended, was agreed to; the bill was read the third time and passed under the title thereof.

Mr. Lawton moved to suspend the rules for the purpose of taking up for a second reading, a bill to authorize and direct his Excellency the Governor to draw his warrant on any funds in the State Treasury for the payment of the principal, interest and cost of a judgment in Baldwin Superior Court in favor of A. P. Rood, administrator of Mrs. Blanche Gibson, vs. the Central Bank, and for other purposes therein named; which motion was lost.

Mr. Miller, from the Committee on the Judiciary, made the following report, to-wit:

The Judiciary committee have had under consideration

A bill to authorize the Treasurer of Glynn county academy to pay over certain money in his hands; and also.

A bill to alter and change the mode of appointing trustees of Glynn county academy, and to compel the Treasurer to give bond, &c., with amendments, without any recommendation.

The Senate took up the regular order, which was the consideration of the report of the Committee of the Whole on an act to incorporate Macedonia Academy in the county of Coweta, and to appoint trustees for the same.

The report was agreed to; the bill was read the third time and passed under the title thereof.

The Senate took up the report of the Committee of the Whole, on a bill to be entitled an act to amend an act to alter and change the mode of appointing trustees of Glynn county

academy, in the county of Glynn, and to compel the Treasurer to give security for the faithful performance of his duty, and for other purposes therein named.

Mr. Nichols moved to postpone the same indefinitely.

Whereupon the yeas and nays were required to be recorded, and are yeas 32, nays 54.

Those voting in the affirmative are Messrs. Allred, Baxter, Beall, Billups, Calhoun, Cannon, Carlton, Coffee, Cone of Greene, Dixon, Dunnagan, Dupree, Fambro, Hardeman, Head, Hill, Maddux, Marshall, McCrimmon, Moore of Lincoln, Nichols, Ragan, Robinson, Simms, Scott, Spalding, Studstill, Swinney, Wales Wellborn, and Wynn.

Those voting in the negative are Messrs. Adams, Ashe, Bloodworth, Brice, Brown of Baldwin, Buchanan, Cantrell, Causey, Chastain, Colbert, Cone of Bulloch, Crowder, Cumming, Gray, Gordon, Griffin, Guerry, Hamilton, Harris of Taliaferro, Hines, Howell, Jamison, Jeter, King, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McDonald, McGuire, McMillan, Miller, Moore of Cobb, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ponder, Pope, Reddish, Renfroe, Rudisill, Sapp, Shropshire, Strickland, Turner, Whitaker, White and Wingfield.

So the motion to postpone indefinitely was lost.

The report of the committee was agreed to; the bill was read the third time, and on the question, "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 49, nays 38.

Those voting in the affirmative are Messrs. Adams, Ashe, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Colbert, Cone of Bulloch, Crowder, Cumming, Dabney, Gordon, Griffin, Guerry, Hamilton, Harris of Taliaferro, Howell, Jamison, King, Knight, Landrum, Long, Lott, McDonald, McMillan, Miller, Moore of Cobb, Moreland, Murphy, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ponder, Reddish, Renfroe, Sapp, Shropshire, Strickland, Sumner, Turner, Whitaker, and White.

Those voting in the negative are Messrs. Allred, Baxter, Beall, Billups, Calhoun, Cannon, Carlton, Coffee, Cone of Greene, Dixon, Dunnagan, Dupree, Fambro, Gray, Hardeman, Head, Hill, Hines, Lawson of Burke, Lawton, Maddux, Marshall, Matthews, McCrimmon, Moore of Lincoln, Morris, Murray, Pope, Ragan, Robinson, Rudisill, Simms, Scott, Spalding, Studstill, Wales, Welborn and Wynn.

So the bill was passed.

The following message was received from the House of Representatives:

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have concurred in the

amennments of the Senate, to the bill of the House, to appropriate money for the political years 1856 and 1857; except the amendment to the 1st section, striking out three thousand and inserting \$2,500 as a salary of the Judges of the Supreme Court.

Also, have disagreed to the amendments proposing to appropriate certain sums of money to John W Duncan, and the clerk of the Supreme Court.

On motion leave of absence was granted to Messrs. Causey, McDonald, Beasley, Camden, Lott, Reddish and Roddenberry.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment

Mr Peebles moved to take up the message from the House of Representatives in relation to the amendments of the Senate to the House Bill, to appropriate money for the support of the government for the political years 1856 and 1857.

Mr. Landrum moved that the Senate adjourn till Monday morning at ten o'clock, which was lost.

Mr. Peebles moved that the Senate recede from their amendment in relation to the salaries of the Judges of the Supreme Court, which motion was lost.

On motion of Mr. Pope, the Senate refused to recede from their amendment in relation to compensating John W. Duncan, for furnishing the Clerks of the Superior Courts copies of the general acts of the last Legislature.

On motion of Mr. Cone of Greene, the Senate refused to recede from their amendment in relation to compensating the clerk of the Supreme Court for copies of the opinions of the Supreme Court in certain cases.

On motion the Secretary was ordered to communicate the same to the House of Representatives.

On motion of Mr. Buchanan the rules were suspended, and the Senate took up the report of the committee of the whole, on a bill to regulate the collection of Jury fees in the Superior and Inferior Courts of the county of Coweta.

The report was agreed to, the bill was read the third time and passed under the title thereof.

Mr. Bloodworth offered the following resolution, which was taken up, to-wit:

Resolved, That a committee of seven be appointed to audit the account of mileage of the members of the Senate, and that it shall be the duty of each Senator to report to the committee the most usual route travelled to the seat of gov-

ernment from their residence, and the said committee shall report the amount due each Senator for mileage.

On motion of Mr. Miller the same was amended by striking out all after the words "members of the Senate."

The resolution as amended was agreed to.

The committee appointed by the Chair under the resolution are Messrs. Bloodworth, Swinney, Knight, Coffee, Cannon, Moore of Lincoln and Nichols.

Leave of absence was granted to Messrs. Miller, Spalding, Hays and Guerry.

On motion the Senate adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 17th, 1855.

The Senate met pursuant to adjournment.

Mr. Crowder moved to reconsider so much of the Journal of Saturday as related to the indefinite postponement of a bill for the relief of Wm. J. P. Phinazee of the county of Monroe; which was agreed to.

Mr. Peeples moved to reconsider so much of the Journal of Saturday as related to the passage of a bill to change the residence of Frederick Merit, Sr. of the county of Coffee to the county of Irwin, and others therein named.

Whereupon the yeas and nays were required to be recorded and are yeas 42, nays 44.

Those voting in the affirmative are Messrs. Baxter, Beall, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Carlton, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dupree, Fambro, Gray, Hardeman, Hines, Jamison, King, Knight, Landrum, Maddux, Marshall, McCrimmon, Moore of Lincoln, Moreland, Morris, Murray, Nichols, Peeples, Ponder, Ragan, Reddish, Renfroe, Robinson, Rudisill, Simms, Scott, Spalding, Swinney, Turner, Welborn and Wynn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Bloodworth, Brice, Brown of Calhoun, Buchanan, Camden, Cantrell, Chastain, Colbert, Dabney, Gibson, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Head, Howell, Lawson of Burke, Lawton, Long, Matthews, McGuire, McIntosh, McMillan, Moore of Cobb, Murphy, Newton, Patterson of Gilmer, Patterson of Jefferson, Sapp, Shropshire, Smith, Strickland, Studstill, Sumner, Ware, Whitaker and White.

So the motion to reconsider was lost.

The President announced the following committee, to whom was referred the message of his Excellency the Governor, in relation to the Land Laws, to-wit:

Messrs. Cone of Bulloch, Miller, Long, Harris of Taliaferro and Spalding.

Mr. Spalding asked to be excused from serving, whereupon Mr. Atkinson was added in his place.

On motion of Mr. Long, the rules were suspended, and the Senate took up the report of the Committee of the Whole on a bill from the House of Representatives for the relief of Francis Ponsell, an infirm and indigent person.

The report was agreed to; the bill was read the third time and passed, and the Secretary was ordered to communicate the same to the House of Representatives.

On motion of Mr. Welborn, the Senate took up the report of the Committee of the Whole, on a bill from the House of Representatives to change the time of holding the Inferior Court of Spalding county.

The report was agreed to; the bill was read the third time and passed.

On motion of Mr. Dabney, the Senate took up the report of the Committee of the Whole on a bill from the House of Representatives to change the times of holding the Superior and Inferior Courts of the county of Floyd. The report was agreed to; the bill was read the third time and passed.

On motion of Mr. Crowder, the Senate took up the reconsidered bill for the relief of Wm. J. P. Phinazee of the county of Monroe.

On motion of Mr. Crowder the same was re-committed, and upon a motion to agree to the amendments, the same were disagreed to. The report of the Committee of the Whole was agreed to; the bill was read the third time and passed.

Mr. Adams moved to take up the report of the Committee on the Lunatic Asylum, which was lost.

Mr. Atkinson offered the following resolution, which was taken up, read and agreed to, to-wit:

Resolved, That the Surveyor General communicate to the Senate what is the practice in relation to issuing grants under head rights, and whether such grants are issued under warrants granted by the Justices of the Inferior Courts of the respective counties, Justices of the Peace or either.

On motion of Mr. Screven, the Senate took up the bill to amend the act incorporating the Georgia Military Institute and to appropriate money therefor, and the same was made the special order for the 21st of January next.

On motion of Mr. Atkinson, one hundred and twenty copies of the same were ordered to be printed.

On motion of Mr. Wingfield, the Senate took up the report of the Committee of the Whole on a bill from the House of Representatives to increase the salaries of the Judges of the Supreme Court.

On motion of Mr. Buchanan, the same was re-committed.

On motion of Mr. Buchanan, the second section was

amended, by striking out the words "hereafter elected or appointed," and inserting in lieu thereof the words "hereafter qualified and commissioned."

Mr. Carlton moved to strike out "3000 dollars" and insert in lieu thereof "2500 dollars."

Mr. Lawton moved to divide the question.

The motion to strike out was lost.

Upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 39, nays 53.

Those voting in the affirmative are Messrs. Adams, Beasley, Bloodworth, Brice, Buchanan, Camden, Cone of Greene, Crowder, Dabney, Gibson, Gordon, Hamilton, Hardeman, Hill, Hines, Jeter, Knight, Landrum, Lawson of Burke, Lawton, Long, Matthews, McGuire, McMillan, Moore of Cobb, Newton, Nichols, Peeples, Ponder, Ragan, Rudisill, Shropshire, Screven, Smith, Spalding, Wales, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Baxter, Beall, Brown of Calhoun, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Bulloch, Cumming, Dixon, Dupree, Fambro, Gray, Griffin, Guerry, Hale, Harris of Taliaferro, Harris of Worth, Hays, Head, Howell, Jamison, Maddux, Marshall, McIntosh, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pope, Renfro, Robinson, Sapp, Simms, Scott, Strickland, Studstill Sumner, Swinney, Turner, Ware, Wellborn and White.

So the bill was lost.

The Senate took up the report of the Committee of the Whole on a bill to change the mode of apportioning the poor school fund of Baker county, with the counties of Dougherty and Calhoun. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to alter and amend an act to appropriate a sum of money to remove obstructions from the Big and Little Ohoopie rivers, and to render the same navigable for the transportation of timber, rafts, lumber, wood and produce thereon, and for other purposes therein mentioned, approved Feb. 14th, 1854. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee on a bill to authorise the Ordinary of Whitfield county to pay arrearages due John B. Griffin, teacher of poor children in said county, for services rendered in the year 1854.

Mr. McIntosh offered the following amendment which was lost, to-wit:

Be it further enacted, That the School Commissioners for

the counties of Elbert, Carroll, Wilkinson, Twiggs, Jones, Worth, Marion, Franklin, Chattooga, Lowndes, Warren, Heard, Polk, Randolph, Pickens, Clay, Scriven, Kinchafoonee, Upson and Lee, be authorised and required to pay out of the poor school funds of said counties, upon satisfactory evidence, to the several teachers who taught in the year 1854, those poor children of said counties whose names were not returned in the time required by law, and for whose tuition there has been no provision made.

On motion of Mr. Calhoun, the following was added as an additional section:

And be it further enacted, That it be the duty of the Ordinary of Fulton county to pay all teachers of poor children of said county, and who taught poor children residing on that portion of the Territory of DeKalb county now composing Fulton county, and whose accounts have not been paid in consequence of their accounts not having been presented within the time limited by law; Provided, Said Teachers shall not receive more cents in the dollar on their accounts than they would have been entitled to, if said accounts had been handed in in time.

On motion of Mr. Moore of Lincoln, the following was added as an additional section.

And be it further enacted, That the Ordinary of Lincoln county be authorised to pay all accounts that he may be satisfied are just and right of teachers for teaching poor children in said county in the year 1854. Provided, There be a sufficient surplus poor school fund in his hands for that purpose, after paying Teachers of poor children for the year 1855.

Mr. Baxter called for the previous question, and the same being seconded, the main question was put and decided in the affirmative. The report of the committee as amended was agreed to. The bill was read the third time and passed.

On motion of Mr. Wellborn, the rules were suspended, and the Secretary was ordered to communicate the same forthwith to the House of Representatives.

The Senate took up the report of the Committee of the Whole on a bill to authorise the Treasurer of Glynn County Academy to pay over certain monies in his hands. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill for the relief of D. M. Burns, Jr. of Jackson county. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole upon a bill to authorise Thomas D. Shelton of the county of Floyd, to practice physic and surgery in all their

branches, and to charge and collect compensation for the same, without obtaining license as now required by law.

Pending the consideration of certain amendments to the same, on motion it was postponed indefinitely.

Leave of absence was granted to Mr. Hill for Thursday next.

The Senate took up the report of the Committee of the Whole upon a bill to authorise the Justices of the Inferior Court of Warren county to levy an additional tax on the State tax sufficient to defray the annual expenses of the county, and one-third of the present indebtedness. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole, on the bill to legalise the place of holding Justices' Courts in the 537th district, G. M. of Upson county. The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill allowing tax collectors insolvent lists by the Grand Juries of the several counties of this State. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole upon a bill to be entitled an act to authorise the Ordinary acting Commissioner of the Poor School Fund in Upson county to pay certain bills for tuition when proper returns have not been made.

Mr. Ragan offered the following as an additional section, to-wit:

Be it further enacted, That the Ordinary of the county of Lee be and he is hereby authorised to pay the account of Josiah Jourdan for the tuition of poor children for the year 1852. upon his satisfying the Ordinary that said account was entitled to be paid under the law in 1852.

On motion the same was amended by adding the counties of Carroll, Heard and Jones. The amendment as amended was agreed to.

Mr. Marshall offered the following amendment, which was agreed to, to-wit:

And be it further enacted, That the Ordinary of the county of Talbot pay to all teachers of poor children entitled to benefits of the same, and whose names have not been properly returned for the year 1854, provided he has funds in his hands not otherwise appropriated; Provided, the commissioner shall adjudge said accounts to be correct.

Mr. Carlton offered the following as an additional section:

And be it further enacted, That the Ordinary of Campbell county is hereby required to pay to all teachers who taught any of the poor children of said county, who were not returned as such for the year 1854, and who were entitled to

the benefits of said fund, and the teachers aforesaid shall procure a certificate from some Justice of the Peace of said county, that the children has been taught in the above recited year, and would have been entitled to said fund under the law, but were not returned as such.

On motion of Mr. Jeter, the same was amended by adding the county of Marion for 1854 and '55. The amendment as amended was agreed to.

The previous question having been called for, and not being seconded, the bill and amendment were laid over for a day, under the rule.

On motion, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the report of the Committee of the Whole on a bill to grant certain privileges to Jephtha Mock of Macon county.

On motion of Mr. Nichols the same was amended by adding—that Thaddeus Douglas be allowed to peddle in the 1st Congressional district.

Mr. Buchanan moved to amend the same by adding the following, to-wit :

And be it further enacted by the authority aforesaid, That the provisions of this act shall apply to Joshua Norman of the county of Coweta, upon his taking the oath as prescribed by this act, within the fourth Congressional district; which motion was lost.

Mr. Hardeman moved further to amend by adding that James B. Nelson be allowed to peddle in the 1st Congressional District; was agreed to.

Mr. Harris of Worth moved further to amend by adding that John Gaskins of the county of Coffee, be allowed to peddle in the 1st Congressional district; which motion was lost.

Mr. Baxter moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded and are yeas 45, nays 40.

Those voting in the affirmative are Messrs. Adams, Ashe, Avery, Baxter, Beasley, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cantrell, Cone of Bulloch, Cumming, Dixon, Gray, Gibson, Gordon, Hale, Hamilton, Harris of Taliaferro, Landrum, Lawton, Marshall, Matthews, McGuire, McIntosh, Moore of Lincoln, Murray, Newton, Patterson of Jefferson, Peeples, Pope, Ragan, Renfro, Robinson, Sapp, Shropshire, Simms, Scott, Screven, Strickland, Swinney, Wales, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Atkin-

son, Beall, Brice, Buchanan, Calhoun, Cannon, Carlton, Chastain, Colbert, Cone of Greene, Crowder, Dabney, Dupree, Griffin, Hardeman, Harris of Worth, Head, Hill, Hines, Howell, Jamison, Jeter, Knight, Lawson of Burke, Maddux, McCrimmon, McMillan, Moore of Cobb, Moreland, Nichols, Patterson of Gilmer, Paulk, Ponder, Studstill, Sumner, Turner, Ware, and White.

So the motion to postpone indefinitely was agreed to.

Mr. Hardeman from the committee on enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate—an act for the relief of Francis Ponsell, an indigent and infirm man.

The Senate took up the report of the Committee of the Whole on the bill to incorporate the Elberton Male Academy in the town of Elberton, and appoint Trustees for the same.

Mr. Head offered the following amendment as an additional section:

And be it further enacted, That W. W. Chaney, Henry Scarborough, Turner Dixon, Moses Tison, Lonzey Jones, Rovon Spicer, Perry Peacock, William Wimbush and William D. Stewart, and their successors in office be and they are hereby declared to be a body politic and corporate by the name and style of the Trustees of the County Line Academy, and as such shall be capable and liable to sue and be sued, plead and be impleaded in the several courts of Law and Equity in this State; and shall be authorised to make such by-laws and regulations, and appoint such officers as may be necessary for the government of said Academy. Provided, such by-laws are not repugnant to the Constitution and Laws of this State; and that they may have and use a common seal, and have authority to remove from office any officer they may have appointed.

And that said Trustees shall be capable of accounting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or may hereafter be conveyed or transferred to them, and their successors in office, to have and to hold the same for the proper benefit and behoof of said Academy; and in case any vacancy shall happen by death, resignation or otherwise, of any one or more of said Trustees of said Academy, the survivors or a majority of them, shall fill the same in such manner as may be pointed out by the laws and regulations of said Trustees. The report as amended was agreed to; the bill was read a third time and passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bill, to-wit:

A bill to be entitled an act to appropriate money for the

completion of the State Lunatic Asylum and for other purposes.

The Senate took up the reconsidered resolutions of the House of Representatives in relation to the appointment of a Joint Committee to examine the Western & Atlantic Railroad.

Mr. Gibson moved to strike out all after the resolving clause, whereupon the yeas and nays were required to be recorded and are yeas 61, nays 31.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Beall, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Colbert, Cone of Bulloch, Cumming, Dabney, Gray, Gibson, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Taliaferro, Hays, Howell, Jamison, Jeter, Landrum, Lawson of Burke, Lawton, Long, Matthews, McGuire, McIntosh, McMillan, Moore of Cobb, Moreland, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ponder, Pope, Renfroe, Rudisill, Sapp, Shropshire, Screven, Spalding, Strickland, Sumner, Ware, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Beasley, Billups, Calhoun, Cannon, Carlton, Coffee, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Hardeman, Harris of Worth, Head, Hill, Hines, Maddux, Marshall, McCrimmon, Moore of Lincoln, Murray, Peeples, Robinson, Simms, Scott, Studstill, Swinney, Turner, Wales and Wellborn.

So the motion to strike out was agreed to.

Mr. Murphy moved to insert the following after the resolving clause, to-wit:

That a committee of two be appointed on the part of the Senate, and three on the part of the House, who shall form a joint committee, whose duty it shall be to proceed to the Western & Atlantic Railroad, and make a thorough examination of said Road, its finances, equipment, general management, and all other matters pertaining to said Road, of interest to the State. And that said committee may discharge their duties more efficiently, they are hereby empowered to procur such assistance, as they may find necessary, to examine all books and papers connected with the business of said Road, to compel the attendance of all persons whose testimony they may desire. and to call upon the Superintendent and all other officers and agents of said Road for such information and assistance in the discharge of their duties, as they may deem necessary. And the committee be authorised to discharge the duties assigned them by this resolution during the vacation of the General Assembly if they desire to do so.

Mr. Hardeman offered the following as an amendment to the same, to-wit :

Resolved, That said committee be instructed to enquire into the charge of freights to and from the Etowah depot, and report to the General Assembly, whether they do not discriminate in favor of Mark A. Cooper, and to what extent; and whether the removal of the turn-out at Howard's lime kiln was proper, and in accordance with justice between the parties; and that said committee be authorised to enquire into the legality of the appointment of Robert J. Cowart as Attorney for the Western & Atlantic Rail-road, for what purposes, at what salary and by what authority employed.

Upon this amendment the yeas and nays were required to be recorded and are yeas 37, nays 56.

Those voting in the affirmative are Messrs. Baxter, Beasley, Billups, Brown of Baldwin, Calhoun, Cannon, Carlton, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Hardeman, Head, Hill, Hines, Landrum, Maddux, Marshall, McCrimmon, McIntosh, Moore of Lincoln, Moreland, Patterson of Jefferson, Paulk, Peebles, Ragan, Robinson, Simms, Scott, Studstill, Swinney, Turner, Wales, Ware, and Welborn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Coffee, Cone of Bulloch, Cumming, Dabney, Gray, Gibson, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Howell, Jamison, Jeter, Lawson of Burke, Lawton, Long, Matthews, McGuire, McMillan, Moore of Cobb, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Ponder, Pope, Renfro, Rudisill, Sapp, Shropshire, Screven, Spalding, Strickland, Sumner, Whitaker, White, Wingfield and Wynn.

So the amendment was lost.

The motion to insert the amendment of Mr. Murphy prevailed, and the resolution as amended was agreed to.

On motion of Mr. Landrum, the rules were suspended, and the Senate took up and read the first time the following bill from the House of Representatives, to-wit :

A bill to appropriate money for the completion of the State Lunatic Asylum and for other purposes.

Leave of absence was granted to Messrs. Lawton and Chastain.

On motion the Senate adjourned till ten o'clock to-morrow morning.

TUESDAY, DEC. 18th, 1855.

The Senate met pursuant to adjournment.

Mr. Peebles moved to reconsider so much of the Journal

of yesterday as relates to the rejection of the bill to increase the salaries of the Judges of the Supreme Court.

Mr. Pope called the previous question, which being seconded, on the question, "Shall the main question be now put?" it was decided in the affirmative.

Upon the motion to reconsider, the yeas and nays were required to be recorded, and are yeas 43, nays 50.

Those voting in the affirmative are Messrs. Adams, Beasley, Billups, Bloodworth, Brown of Baldwin, Buchanan, Cone of Greene, Crowder, Cumming, Dabney, Gibson, Gordon, Grant, Hamilton, Hardeman, Hill, Jeter, Knight, Landrum, Lawson of Burke, Lawton, Long, Matthews, McCrimmon, McGuire, McMillan, Moore of Cobb, Newton, Peeples, Ponder, Pope, Ragan, Rudisill, Sapp, Shropshire, Screven, Smith, Spalding, Studstill, Wales, Whitaker, Wingfield and Wynn.

Those who voted in the negative are Messrs. Allred, Ashe, Avery, Baxter, Beall, Brice, Brown of Calhoun, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Bulloch, Dixon, Dupree, Fambro, Gray, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Head, Hines, Howell, Jamison, Maddux, Marshall, McIntosh, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Renfroe, Robinson, Simms, Scott, Strickland, Sumner, Swinney, Turner, Wellborn and White.

So the motion was lost.

Mr. Head moved to reconsider so much of the Journal of yesterday as related to the indefinite postponement of the bill to allow Jephtha Mock to peddle in the 2nd Congressional District; the motion was agreed to.

Mr. Peeples from the Judiciary Committee made the following report, to-wit:

The Judiciary Committee to whom was referred a bill to be entitled an act declaring who shall be competent witnesses in the Courts of Law and Equity in this State, and for other purposes therein mentioned, having duly considered the same, ask leave to report the bill back to the Senate with an amendment, which, when adopted, they recommend that the same do pass.

The Senate took up the regular order, which was the call of the counties.

Mr. Atkinson reported a bill to prevent fraudulent surveys of land in the counties of Camden and Effingham; which was read the first time.

Mr. Chastain reported a bill to add a part of Gilmer county to the county of Fannin, and for other purposes therein mentioned; which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to wit:

Mr. President: The House of Representatives have passed the following bill to-wit :

A bill to be entitled an act to amend the 7th Section of the 2nd Article of the Constitution, so as to define and restrict the pardoning power of the Legislature.

Mr. Cone of Greene reported a bill to be entitled an act to amend the act incorporating the town of Oxford in the county of Newton, and for other purposes therein mentioned ; which was read the first time. Also,

A bill to amend the laws now of force in relation to idiots, lunatics and insane persons and their estates, which was read the first time.

Mr. Fambro reported a bill to be entitled an act to elect the Attorney General for the Middle Circuit and the Solicitor General of the respective Judicial Circuits of the State by the people, and for other purposes therein named, which was read the first time.

Mr. Hamilton reported a bill to be entitled an act to alter and amend an act to make permanent the county line between the counties of Dooly and Worth, and also between the counties of Irwin and Dooly ; which was read the first time.

Mr. Hill reported a bill to provide for establishing lost papers, and suing upon the same ; which was read the first time.

Mr. Landrum reported a bill to be entitled an act to permit lime to be carried free of freight on the Western & Atlantic Rail-road when the same is intended for agricultural purposes ; which was read the first time.

Mr. Lawson of Burke reported a bill to allow practising Attorneys to serve as Justices of the Peace in Burke county ; which was read the first time.

Mr. Lawton laid the following resolution on the table, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That we have regarded with deep interest the action of the House of Representatives of the United States and are profoundly gratified with the action of a majority of the members of Congress from this State in their firm adherence in support of a Kansas-Nebraska member for the Speakership of the House of Representatives, and now earnestly urge our entire delegation in Congress to act in concert in the support of some member of the House who is sound on the Kansas Nebraska question for the office of Speaker.

Mr. McIntosh reported a bill to incorporate the Elberton Female Collegiate Institute located at Elberton, and for other purposes therein named ; which was read the first time.

Mr. Moore of Cobb reported a bill to incorporate the

Sweet Water Rail-road company ; which was read the first time.

Mr. Morris reported a bill to authorize Isaac C. Loller to build and keep up a mill dam across the Conasauga river on his own land in the county of Murray ; which was read the first time.

Mr. Murphy reported a bill to incorporate the town of Lithonia in the county of DeKalb, and for other purposes ; which was read the first time.

Mr. Patterson reported a bill to change the line between the counties of Richmond and Columbia, so as to include the land and residence of Alexander M. Allen in the county of Columbia ; which was read the first time.

Mr. Peebles reported a bill to be entitled an act to facilitate the determination of suits at Law and Equity in this State, and for other purposes therein named ; which was read the first time.

Mr. Pope laid upon the table the following resolution, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That we re-affirm the action of the last Legislature upon the Kansas Nebraska bill and that opposition to the principles of said bill in relation to the subject of slavery is regarded by the people of Georgia as hostility to the rights of the South, and that all persons who partake in such opposition are unfit to be recognised as component parts of any party organization not hostile to the South.

Mr. Ragan reported a bill to enlarge and amend an act entitled an act to allow executors, administrators and guardians to resign their trust upon certain conditions, approved February 10th, 1854, which was read the first time.

Mr. Rudisill reported a bill to authorise G. B. May of the county of Murray to practice medicine and to charge compensation therefor ; which was read the first time.

Also, a bill to be entitled an act to legalise certain sales of real estate heretofore effected by executors, administrators and guardians ; which was read the first time.

Mr. Swinney laid upon the table the following resolution, to-wit :

Resolved by the Senate and House of Representatives, That from and after the second Monday in January next that neither branch of the General Assembly will entertain any bill for the incorporation of camp grounds, academies or any other incorporations which by law the Inferior Court of the respective counties can incorporate, unless it be where such incorporations may have been refused by any Inferior Court of any county or counties of this State.

Mr. Wales reported a bill to be entitled an act to legalize and make valid two charters granted by the Mayor and Al-

dermen of the city of Columbus for Plank Roads in said city; which was read the first time.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bill of Senate, to-wit:

1. A bill to be entitled an act to alter and amend an act passed the 10th day of December, 1845, to carry into effect that part of the first section of the third article of the Constitution which requires the establishment of the Supreme Court, for the correction of errors, and for other purposes, so as to reduce the number of places for the sessions of said Supreme Court, and to prescribe the duty of Clerk of said Court, in certain cases, and for other purposes.

On motion of Mr. Adams the rules were suspended, and the Senate took up and read a second time a bill of the House of Representatives to appropriate money for the completion of the State Lunatic Asylum, and for other purposes.

On motion of Mr. Lawton the Senate took up and read a second time a bill to authorize and direct his Excellency the Governor of Georgia to draw his warrant on any funds in the State Treasury for the payment of the principal, interest and costs of a judgment in Baldwin Superior Court in favor of A. P. Rood, Administrator of Mrs. Blanche Gibson versus the Central Bank of Georgia, and for other purposes therein named.

On motion of Mr. Rudisill the Senate took up the report of the Committee of the Whole on a bill of the House of Representatives to authorize the Inferior Court of Washington county to levy and collect an extra tax for the building of Court House and Jail in said county; the report was agreed to; the bill was read the third time and passed.

On motion of Mr. Renfro the Senate took up the report of the Committee of the Whole on a bill to incorporate the town of Cusseta in Chattahoochee county, and to render the county site permanent, and to appoint an Intendent and Commissioners, and regulate the duties of the same.

The report was agreed to. the bill was read the third time and passed, and the same was ordered to be forthwith carried to the House of Representatives.

Leave of absence was granted to Messrs. White, Beasely, Sims and Head.

The following message was received from his Excellency the Governor, by Mr. Briscoe, his Secretary:

Mr. President: I am directed by the Governor to lay before the Senate a communication in writing:

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., Dec. 18th, 1855. }

To the Senate:

I shall not be prepared to reply fully to the resolution in

relation to the suits in the Courts of Tennessee against the Western & Atlantic Rail-road, until the re-assembling of the Legislature after the contemplated recess.

I deem it proper to advise the Senate, that I have in possession the records and testimony in all the cases that have been finally determined. They are very voluminous, and will require much time for their thorough examination. I, therefore, suggest to the Senate, the appointment of a committee to examine them during the recess, and to prepare a full epitome, to be reported to the Senate, on their return to the Capitol in January. With such a report and the message which I shall by that time be able to communicate, you will be in possession of all the information, requisite for judicious action in the premises.

HERSCHEL V JOHNSON.

On motion of Mr. Cone of Greene the same was taken up and on motion a committee of three was appointed by the Chair in conformity with the suggestion of the Governor, which committee consists of Messrs. Cone of Greene, Buchanan and Lawton.

On motion the Senate adjourned till ten o'clock to-morrow morning.

WEDNESDAY, DECEMBER 19th, 1855.

The Senate met pursuant to adjournment.

Mr. Allred from the committee on Journals, asks leave to report that they have examined, and compared the record with the Journals and find it correct so far as completed. In view of the large accumulation of business the committee recommend the adoption of the following resolution, to-wit :

Resolved, That the Recording Clerks be allowed the balance of the present month for bringing up the record.

On motion of Mr. Allred the same was taken up, read and agreed to.

On motion of Mr. Swinney the following resolution laid upon the table on yesterday was taken up, to-wit :

Resolved by the Senate and House of Representatives, That from and after the second Monday in January next, that neither branch of the General Assembly will entertain any bill for the incorporation of camp grounds, academies, or any other incorporations, which by law the Inferior Court of the respective counties can incorporate, unless it be where such incorporations may have been refused by any Inferior Court of any county or counties in this State.

Mr. Swinney moved to amend by adding the words, "nor any bill to authorize peddlers to peddle without license," which was agreed to.

The resolution as amended was read and agreed to, and the Secretary was ordered to communicate the same forthwith to the House of Representatives.

On motion of Mr. Wingfield the Senate took up the report of the Committee of the Whole on a bill of the House of Representatives to be entitled an act to authorize and direct his Excellency the Governor of Georgia to draw his warrant on any funds in the State Treasury for the payment of the principal, interest and costs of a judgment in Baldwin Superior Court in favor of A. P. Roed, Administrator of Mrs. Blanche Gibson versus the Central Bank, and for other purposes therein named; the report was agreed to, the bill was read the third time and passed.

On motion of Mr. Wales the Senate took up and read a second time a bill of the House of Representatives for the relief of James Wright, Jr., Jefferson Wright and others, securities of Stephen Wright, formerly Tax Collector of Putnam county, from the payment of twenty per centum interest per annum, on an execution issued by the Comptroller General of this State against the said Stephen Wright, Tax Collector as aforesaid, and said James Wright, Jr. and others, securities of the same, on the first day of October, 1855; and for other purposes therein mentioned.

On motion of Mr. Cone of Bulloch the Senate took up and read a second time a bill of the House of Representatives to authorize the selection and permanent location of a county site in the county of Wayne; to authorize the building of a new Court House and the levying of an extra tax, and for other purposes therein specified.

On motion of Mr. Atkinson 120 copies of the message of his Excellency the Governor, in relation to the land laws, were ordered to be printed.

The Senate took up the regular order which was the consideration of the report of the Committee of the Whole on a bill to be entitled an act to prevent droves of nett cattle from driving into, or through the counties of Murray and Whitfield.

On motion of Mr. Patterson of Gilmer the same was amended by adding, "the counties of Gilmer and Pickens," which was agreed to.

On motion of Mr. Gordon the same was amended by adding the county of Walker," which was agreed to.

On motion of Mr. Chastain the same was amended by adding the county of Fannin; which was agreed to.

On motion of Mr. Murray the same was amended by adding the county of Catoosa, which was agreed to.

Mr. Miller called the previous question which being seconded, the main question was put and decided in the affirmative.

Upon the question of the passage of the bill, the yeas and nays were required to be recorded and are yeas 29, nays 50.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Baxter, Beall, Cannon, Cantrell, Chastain, Coffee, Cone of Geene, Dabney, Dixon, Dupree, Fambro, Gibson, Gordon, Grant, Hale, Jamison, Lawson of Burke, McIntosh, McMillan, Miller, Morris, Murray, Patterson of Gilmer, Strickland, Turner and Wellborn.

Those voting in the negative are Messrs. Atkinson, Avery, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Colbert, Cone of Bulloch, Cumming, Gray, Griffin, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hines, Howell, Jeter, Landrum, Long, Maddux, Marshall, Matthews, McCrimmon, McGuire, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Newton, Patterson of Jefferson, Peebles, Ponder, Pope, Ragan, Robinson, Rudisill, Sapp, Scott, Screven, Studstill, Sumner, Swinney, Wales, Whitaker, Wingfield and Wynn.

So the bill was lost.

The Senate took up the report of the Committee of the Whole on a bill to incorporate the Sandersville Hotel Company.

On motion of Mr. Miller the same was amended by adding an additional section, conferring certain powers and privileges on the Church Asylum of Augusta.

Also, an additional section conferring certain powers and privileges on the Pioneer Hook and Ladder Company of the city of Augusta; which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed under the following title, A bill to be entitled an act to incorporate the Sandersville Hotel Company,—the Church Asylum of Augusta, and the Pioneer Hook and Ladder Company.

The Senate took up the report of the Committee of the Whole on a bill to authorize and require the Tax Collector of Gilmer county for the years 1856 and 1857 to pay over the State Tax to the county Treasurer of said county to be applied as therein directed.

Mr. Hines moved to amend by including "Bryan county."

The report as amended was agreed to, the bill was read the third time and lost.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to alter and amend the fifth section of an act incorporating the Trustees of the Southern Botanic College, approved December 11th, 1839.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to incorporate Macon Hook and Ladder Company, No. 1, and to confer upon them certain privileges and exemptions; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to authorize and require the Ordinary of Heard county to pay certain teachers of poor children.

Mr. Fambro moved to amend the same by striking out all after the enacting clause, and inserting in lieu thereof the following, to-wit:

Whereas the Receivers of Tax returns and Grand Juries in many of the counties in this State, have failed to make correct returns of the poor children entitled to benefits under the poor school fund laws now of force; and, whereas, many teachers of said children for the years 1853, '54 and '55, have not received compensation for said services:

Section 1st. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Commissioners of the poor school fund in the several counties in this State, upon satisfactory proof made to them upon the affidavit of said teachers that said children have been taught, and not properly returned as aforesaid, to pay said accounts out of any money now in their hands, not otherwise appropriated, for said years 1853, '54 and '55.

Section 2nd. *And be it further enacted,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

The report as amended was agreed to, the bill was read the third time and passed under the following title, to-wit: A bill to be entitled an act for the relief of teachers of poor children of the several counties of this State for the years 1853, '54 and '55.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bill of the Senate, to-wit:

A bill to be entitled an act to authorize Lewis Zeigler of the State of Louisiana and Henry Zeigler of the State of Alabama to qualify, and act as Executors of the last will and testament of William Zeigler, late of Crawford county, deceased.

Mr. Hardeman from the Committee on Enrolment reported as duly enrolled, signed by the President of the Senate, and ready for the signature of the Speaker of the House of Representatives an act to authorize Lewis Zeigler of the State

f Louisiana and Henry Zeigler of the State of Alabama to qualify and act as executors of the last will and testament of Wm. Zeigler of Crawford county, deceased.

Also a resolution appointing a joint committee to visit the Western & Atlantic Rail-road.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President : The House of Representatives have concurred in the resolution of the Senate appointing a joint committee to visit and examine the Western & Atlantic Railroad, its finances, &c., and have on their part appointed Messrs. Hill of Troup, Phillips of Habersham and Terhune of Floyd.

Mr. Hardeman from the Committee on Enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, an act to change the time of holding the Inferior Court of Spalding county.

Also, an act to change the times of holding the Superior and Inferior Courts of the county of Floyd.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to alter and change the names of Sarah Catharine Simmons and John Jackson Simmons of the county of Dooly, to the names of Sarah Catharine Pitts and John Jackson Pitts, and to legitimize the same and enable them to inherit from their reputed father Hardy Pitts of said Dooly county.

Mr. Hamilton moved to amend the same by striking out all after the enacting clause, and insert the following in lieu hereof, to-wit :

“That Sarah Catharine Simmons and John Jackson Simmons be and they are hereby declared the adopted children of Hardy and Nancy Pitts, and that they be made capable of inheriting the estate of said Hardy and Nancy in the same degree, and in equal shares, with their children according to the laws of descent of this State.

Section 2nd. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

The report as amended was agreed to, the bill was read the third time and passed under the following title, A bill to be entitled an act to make Sarah Catharine Simmons and John Jackson Simmons of the county of Dooly, the adopted heirs of Hardy Pitts and Nancy Pitts.

The President laid upon the table a communication from the Surveyor General, in answer to a resolution from the Senate calling for information as to what is the practice in relation to issuing grants under Head Rights, and whether such grants are issued under warrants granted by the Justices of

the Inferior Court of the respective counties, or Justices of the Peace, or of either.

SURVEYOR GENERAL'S OFFICE, }
Milledgeville, Ga., December 18th, 1855. }

In compliance with a resolution of the Senate of the 17th of this month, asking information, what is the practice in relation to issuing grants under Head Rights, and whether such grants are issued under warrants granted by the Justices of the Inferior Court of the respective counties, or Justices of the Peace, or of either? I have the honor to inform the Senate that it has been the practice of my predecessor to issue grants under head right warrants granted, or issued, by the Justices of the Inferior Court, or any three of them setting as a Court for that purpose; it has, also, been the practice of my predecessors to issue grants under warrants issued by the Justices of the Peace, where three or more Justices of the Peace has signed the warrant, they sitting as a Land Court. The act of 1783 says, a majority of the Justices belonging to each county, shall be empowered and required to issue warrants under head rights; a subsequent act of the General Assembly, however, reduced the number of Justices to five, which would seem by a fair construction of the law to mean the Justices of the Inferior Court, (the word Court not being used in the act.) The 3rd Section of the act of 1789 further reduced the number of Justices to three, who were required to sign the warrant. I see from the archives in this office that it has been the practice to issue grants under head rights where the warrants have been issued by the Justices of the Inferior Courts of the several counties, as well as upon warrants issued by the Justices of the Peace. I am inclined to the opinion that the Justices of the Peace, or any three of them constitute the legal Land Court in the several counties, but in the absence of any positive enactment or law upon this branch of the subject, I have not thought proper to change the old established rules of this Department, established by my predecessors, I have, therefore, passed the grants where the warrants have been issued by either of the Justices, where three have signed the warrant.

Respectfully submitted,

JAS. A. GREEN.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorize John B. Woodard of the county of Emanuel to peddle in this State, without paying for the privilege so to do.

The report was agreed to, the bill was read the third time and lost.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorize the Judge

of the Superior Court of the county of Whitfield to draw two pannels of Grand and Petit Jurors for said county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to incorporate the Oglethorpe Light Infantry of Savannah; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to amend the charter of the Southern Mutual Insurance Company; the report of the committee was agreed to.

Mr. Cone of Greene moved to recommit the same, which was lost, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorize John W. Grantham to peddle and vend goods, wares and merchandize in the counties of Cobb, Cass, Cherokee and Paulding without taking out license.

Mr. McIntosh moved to postpone the same indefinitely, which was lost.

Mr. Cannon moved to amend the same by striking out, "Cass county," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed under the following title, to-wit: A bill to be entitled an act to authorize John W. Grantham to peddle and vend goods, wares and merchandize in the counties of Cobb, Cherokee and Paulding without taking out license.

The Senate took up the report of the Committee of the Whole on a bill to repeal all laws consolidating offices of Receiver of Tax Returns and Tax Collector in the county of Irwin; the report of the Committee of the Whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to prohibit the payment of storage on Cotton in the city of Columbus by farmers after selling from their wagons.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorize the Justices of the Inferior Court of the counties of Fannin, Telfair and Clinch to lay off said county into School Districts, to appoint Trustees for the same and to provide for the election of a Treasurer for each of said Districts, and for other purposes therein mentioned; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the

Whole on a bill to be entitled an act to incorporate the Athens Gas Light Company.

Mr. Peeples moved to amend the second section by striking out the word "city" and inserting the word "town."

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorize and require the Poor School Commissioner of the county of Warren to pay Ezra McCrary out of the Poor School fund of said county the amount paid by him as Justice of the Peace out of his individual funds for teaching poor children in said county for the years 1837 and 1838; the report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill for the relief of James Hamby of Walker county.

On motion of Mr. Cone of Greene, the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act for the relief of William A. Clements of Stewart county.

On motion of Mr. Cone of Greene the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to legalize the past action of the Justices of the Inferior Courts of Bryan, Tatnall, Liberty, McIntosh and Glynn counties in reference to the granting of Land Warrants under Head Rights.

On motion of Mr. Cone of Bulloch the same was laid over for the present and referred to the select committee on the Message of the Governor, in relation to the land laws.

The Senate took up the report of the Committee on a bill to change the line between the counties of Gilmer and Pickens and define the same.

The report was agreed to, the bill was read the third time and on the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 7, nays 66.

Those voting in the affirmative are Messrs. Allred, Dixon, Gordon, Harris of Worth, Jeter, Strickland and Ware.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Baxter, Beall, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dupree, Fambro, Gray, Gibson, Grant, Griffin, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hines, Howell, Jamison, Lawson of Burke, Long, Maddux, Marshall, Mat-

ews, McCrimmon. McGuire, Miller, Moore of Cobb, Moreland, Morris, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pope, Rudisill, Shropshire, Scott, Screven, Studstill, Sumner, Swinney, Turner, Wales, Wellborn, Whitaker, Wingfield and Wynn. So the bill was lost.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President : I am directed by the House of Representatives to inform the Senate that they have receded from their disagreement to the amendment of the Senate of the bill of the House appropriating money for the support of the government for the political years 1856 and 1857, so far as inserting \$2,500, in lieu of \$3000, as the sums annually appropriated for the Judges of the Supreme Court. The House insists upon its disagreement to the amendments of the Senate to the same bill appropriating certain sums of money to John W. Duncan and the Clerk of the Supreme Court.

On motion of Mr. Hardeman the Senate took up the message from the House of Representatives, and on motion the Senate insisted on its amendments to the bill appropriating money for the support of government for the political years 1856 and 1857, and the Secretary was ordered to communicate the same forthwith to the House of Representatives.

Mr. Nichols moved that the Senate adjourn till seven o'clock to-morrow morning, whereupon the yeas and nays were required to be recorded, and are yeas 33, nays 42.

Those voting in the affirmative are Messrs. Adams, Ashe, Avery, Billups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Coffee, Crowder, Cumming, Dabney, Dixon, Fambro, Gordon, Griffin, Hardeman, Harris of Worth, Long, Matthews, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Pope, Rudisill, Shropshire, Scott, Studstill and Swinney.

Those voting in the negative are Messrs. Allred, Baxter, Beall, Bloodworth, Brice, Brown of Calhoun, Calhoun, Colbert, Cone of Greene, Dupree, Gray, Gibson, Grant, Hale, Hamilton, Harris of Taliaferro, Howell, Jamison, Jeter, Lawson of Burke, Maddux, Marshall, McCrimmon, McGuire, McIntosh, Miller, Moreland, Morris, Murray, Peeples, Ponder, Ragan, Screven, Strickland, Sumner, Turner, Wales, Ware, Wellborn, Whitaker, Wingfield and Wynn. So the motion was lost.

Mr. Ashe moved that the Senate adjourn till half past six o'clock to-morrow morning, whereupon the yeas and nays were required to be recorded, and are yeas 38, nays 30.

Those voting in the affirmative are Messrs. Ashe, Billups, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Coffee, Cumming, Dabney, Dixon, Dupree, Fambro, Gray, Gibson, Gordon, Griffin, Hardeman, Harris of Taliaferro, Harris of

Worth, Lawson of Burke, Long, Matthews, McIntosh, Moreland, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Pope, Rudisill, Sapp, Shropshire, Studstill and Sumner.

Those voting in the negative are Messrs. Allred, Baxter, Beall, Bloodworth, Calhoun, Cone of Bulloch, Cone of Greene, Grant, Hale, Hamilton, Hines, Howell, Jamison, Jeter, Maddux, Marshall, McCrimmon, McGuire, Morris, Murray, Peeples, Ponder, Ragan, Screven, Strickland, Swinney, Turner, Ware, Wellborn, Wingfield and Wynn.

So the motion was agreed to, and the Senate adjourned till half-past six o'clock to-morrow morning.

THURSDAY, DEC. 20th, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Long the Senate took up the report of the Committee of the Whole, on a bill of the House of Representatives to be entitled an act to authorize the selection and permanent location of a county site in the county of Wayne, to authorize the building of a new Court House, and the levying an extra tax, and for other purposes; the report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk. to-wit :

Mr. President : The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to incorporate the town of Hartwell in the county of Hart, and for other purposes therein named.

A bill to be entitled an act to change the lines between the counties of Randolph and Calhoun.

A bill to be entitled an act to so change the corporation lines of the city of Rome as to exclude the lands of Lewis D. Burwell, now in said city.

A bill to be entitled an act to incorporate the town of Hillsboro in county of Floyd, and for other purposes.

A bill to be entitled an act to grant certain privileges unto and incorporate the Oostanaula Steamboat Company.

A bill to be entitled an act to incorporate Lincoln County Mining Company.

A bill to be entitled an act to grant to certain persons therein named the right to build a bridge across the Chatahoochee river, on certain conditions, therein mentioned.

A bill to be entitled an act for the relief of John H. Kelly of the county of Hancock.

They have also agreed to a resolution requesting his Excellency to furnish the county of Fannin with the standard rights and measures.

Mr. Cone of Greene offered the following resolution, to-wit :

Resolved, That the Special Committee appointed agreeable to the recommendation of the Governor to examine all testimony, and other matters connected with suits against the State in the Courts of Tennessee, and who are to sit during the recess have leave to employ a Clerk.

The same was taken up, read and agreed to.

The Senate took up and read a second time, a bill to be entitled an act to lay out a new county out of the counties Polk and Carroll, and to organize the same.

On motion of Mr. Gibson, Messrs. Moore and Long were referred to the Enrolling Committee.

Mr. Long from the Committee on Enrolment, reported as duly enrolled. signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following bills, to-wit :

A bill to be entitled an act to incorporate the town of Asseeta in Chattahoochee county, and to render the county permanent, and to appoint an Intendant and Commissioners, and to regulate the duties of the same.

A bill to be entitled an act to authorize the Inferior Court of Washington county to levy and collect an extra tax for the building of a Court House and Jail in said county.

A bill to be entitled an act to authorize and direct his Excellency the Governor of Georgia to draw his warrant on any funds in the State Treasury for the payment of the principal, interest and costs of a Judgment in Baldwin Superior Court in favor of A. P. Rood. Adm'r. of Mrs. Blanche Rood versus the Central Bank, and for other purposes.

A bill to be entitled an act to alter and amend an act passed the 10th of Nov., 1845, appointing the places for holding the Supreme Court.

On motion of Mr. Moore of Lincoln the Senate adjourned till the second Monday in January, 1856.

MONDAY, JANUARY 14th, 1856.

The Senate met pursuant to adjournment, Mr. Miller, President pro tempore, in the Chair.

On motion of Mr. Cone of Greene, a call of the Senate was made, when the following Senators appeared and answered, to-wit :

Messrs. Allred, Ashe, Atkinson, Billups, Brown of Bald-

win, Buchanan, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Gordon, Guerry, Hale, Hardeman, Hays, Hill, Jamison, Jeter, King, Long, Matthews, McIntosh, McMillan, Morris, Murphy, Nichols, Patterson of Gilmer, Peeples, Pharr, Poole, Pope, Renfroe, Robinson, Shropshire, Scriven, Smith, Spalding, Wales, Ware, Welborn, Whitaker and White.—43.

There being no quorum, on motion of Mr. Cone of Greene, the Senate adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, JANUARY 15th, 1856.

The Senate met pursuant to adjournment, and proceeded to the regular order, to-wit, the call of the counties.

Mr. Ashe reported a bill to be entitled an act to lay out and organize a new county from the county of Franklin, which was read the first time.

Mr. Baxter reported a bill to be entitled an act to change the times of holding the Superior Courts of the county of Hancock and for other purposes, which was read the first time.

Mr. Calhoun reported a bill to be entitled an act to place the State upon an equal footing with other parties, so far as to allow Writs of Error to be prosecuted in certain cases, which was read the first time.

Also, a bill to be entitled an act to authorize the Sheriff to take new bail where the principal has been surrendered in certain cases and to make valid certain bail bonds taken heretofore ; which was read the first time.

Also, a bill to be entitled an act to authorize Juries to find verdicts in favor of plaintiffs on open accounts without formal proof, in certain cases therein named, and to authorize Justices of the Peace to enter Judgments under similar circumstances ; which was read the first time.

Also, a bill to be entitled an act to amend an act entitled an act in relation to divorces, approved Feb. 22nd, 1850, so as to authorize a divorce on another ground herein stated, which was read the first time.

Also, a bill to be entitled an act to amend an act entitled an act to give to Masons and Carpenters an incumbrance for debts due on account of work done and materials furnished in building or repairing houses, and the premises to which they may be attached, and to repeal all laws on this subject, so far as relates to the counties of Richmond and McIntosh and in the cities of Savannah, Macon and Columbus, assented to Dec. 22d, 1834, and an act entitled an act to extend to the several counties of this State, the provisions of the afore mentioned act, assented to Dec. 28th,

.837, so as to give to Plasterers the same incumbrance for debts due on account of work done, and materials furnished in plastering and repairing the plastering of houses, and on the premises to which they may be attached, as is given to Masons and Carpenters, in and by the afore mentioned acts which was read the first time.

Mr. Cone of Greene reported a bill to be entitled an act for the relief of William T. Sherman and others, securities, &c., of Greene county, which was read the first time.

Also, a bill to be entitled an act in relation to the limitation of estates, which was read the first time.

Mr. Cone of Greene, also, offered the following resolutions, to-wit :

1st. *Resolved*, That we have witnessed with regret the repeated and continued failures of the House of Representatives of the United States to elect a Speaker.

2nd. That it is the duty of the members of that body who are opposed to the election of the Sectional Freesoil candidate, to forget past differences, to unite, to meet, to dominate, and to elect a Speaker.

3rd. That the construction of the Clayton Bulwer Treaty by the President is right, and according to its plain and obvious meaning, we will sustain the President; we love peace and earnestly desire its continuance; we will not void war, if the protection of the rights and honor of the nation demand it.

4th. That the ability with which the President in his late message has set forth the true constitutional theory of the government, the rights of the South in relation to the institution of Slavery, and the aggressions of the North, and the forbearance and endurance of the South upon that subject, is worthy of the Chief Magistrate of the Nation. His views are sound and constitutional; they command our assent, and receive our approbation.

5th. That the Secretary of the Senate cause a copy of these resolutions to be transmitted to the President, and to each of our Senators and Representatives at Washington.

Mr. Long reported a bill to be entitled an act to authorize the Inferior Court of Glynn county to have copies of the original records transcribed, and to legalize the same; which was read the first time.

Also, a bill to be entitled an act for the relief of Henry Medore Arnold wife of John B. Arnold of Glynn county; which was read the first time.

Mr. Moore of Cobb reported a bill to be entitled an act for the relief of Harriet P. Boyd of the county of Cobb; which was read the first time.

Mr. Poole reported a bill to authorize the Justices of the Inferior Court of Hart county to levy an extra tax to build

a new Court House, and for other purposes; which was read the first time.

Mr. Screven reported a bill to authorize the City Council of Savannah, to select or appoint ten Auctioneers or vendue masters; which was read the first time.

Also, a bill to be entitled an act to prescribe the road duties of persons resident on Skidaway island; which was read the first time.

Mr. Screven, also, offered the following resolution, to-wit:

Resolved, That his Excellency the Governor be requested to call on the Trustees of the Georgia Military Institute for the use of this Branch of the General Assembly, for information touching the following points, namely, the value of the property owned by the Trustees in said Institute, how much of the stock thereof can be transferred to the State, what debts or incumbrances are on the same, and to whom due, how, and for what purposes will the proposed appropriation be applied, the condition of said Institute; and all facts connected therewith which shall illustrate the importance of extending the aid of the State to the same.

Mr. Spalding reported a bill to be entitled an act to change the laws now in force in this State respecting the arrival within the limits of the same of colored seamen, so far as relates to the county of McIntosh and port of Darien; which was read the first time.

Also, a bill to be entitled an act to give force and operation to judgments issuing from the Mayor's Court of the city of Darien throughout the State of Georgia; which was read the first time.

Mr. Wales reported a bill to organize and establish a Criminal Court in the city of Columbus, and to define its jurisdiction; which was read the first time.

Mr. Wellborn reported a bill to be entitled an act to require the Depot Agents and Conductors of the Western & Atlantic Rail-road to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same; which was read the first time.

Leave of absence was granted for a few days to Messrs. Harris, Wingfield, Ware and Bloodworth.

On motion the Senate adjourned till ten o'clock to-morrow morning.

WEDNESDAY, JANUARY 16th, 1856.

The Senate met pursuant to adjournment.

The Senate took up the report of the Committee of the Whole on the bill in relation to the sale of the Western and Atlantic Rail-road, and on motion of Mr. Spalding, the same

as postponed and made the special order for Thursday, the 24th day of January.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk:

Mr. President: The House of Representatives have agreed a joint resolution in relation to the Kansas Emigrating company under the command of Maj. Jefferson Buford of Alabama, and other companies of like character, giving them a free passage, on their route, over the Western and Atlantic Rail-road.

On motion of Mr. Cone of Greene, the message from the House of Representatives was taken up, and the following resolution of the House was read and agreed to, to-wit:

Resolved by the General Assembly of the State of Georgia, that the Superintendent of the Western and Atlantic Rail-road be instructed to give to Major Jefferson Buford of Alabama, and his company of Kansas emigrants, and any other company of like character upon their presentation to him of satisfactory evidence of their bona-fide intention of emigrating to the territory of Kansas, a free passage over the State road on their route to said territory.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to increase the salaries of the Judges of the Supreme Court in this State.

On motion of Mr. Peeples, the same was indefinitely postponed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to create a new Judicial circuit of Clinch, Ware, &c., and provide for the appointment and election of Judge and Solicitor for the same.

Mr. Peeples moved to strike out all after the enacting clause, and insert in lieu thereof a substitute reported by the select committee on new judicial circuits, and on motion the original and substitute were laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to create Pataula circuit.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act limiting the time in which suits in the courts of law in this State must be brought and also the time in which indictments are to be found and prosecuted in certain cases and for other purposes therein mentioned.

On motion of Mr. Cone of Greene, the same was postponed and made the special order for Saturday, the 19th of January, 1856.

The Senate took up the report of the Committee of the Whole on a bill to lay out and organise a new county from the counties of Henry and Fayette, and for other purposes

therein specified. On motion of Mr. Whitaker, the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to change the time of holding the Inferior Court of Campbell county.

Mr. Whitaker moved to amend by changing the time of holding the Inferior Court of Fayette county from the third Mondays in February and August, to the third Mondays in January and June of each year; which was agreed to.

• On motion of Mr. Buchanan, the bill was further amended by changing the times of holding the Inferior Court of Coweta from the fourth Mondays in June and December, to the first Mondays in June and December of each year.

Mr. Baxter moved to amend by adding the following as an additional section :

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority aforesaid, That the Superior Courts of the county of Hancock shall be changed from the second Mondays in April and October to the third Monday in the months of February and August.

That all processes which have been issued returnable on the second Monday in April shall be ruled and returnable to the third Monday in February, and that all legal proceedings to be had by said court at the next term thereof, requiring thirty days service, shall be legal if served twenty days before the next February Term of said court.

That all rule nisi for the foreclosure of mortgages or any other rule nisi, the service shall be held, and deemed valid if served twenty days before the sitting of said court as changed, and within the time when service was required before the passage of this act.

That from and after the next Inferior Court to be held in and for said county, the times of holding the Inferior Courts of said county shall be changed from the first Monday in August and February to the second Monday in October and April in each year.

The amendment was agreed to.

On motion of Mr. Swinney the bill was further amended by changing the time of holding the Inferior Court of Kinch-afoonnee county from the first Mondays in June and December to the second Mondays in February & August of each year.

On motion of Mr. McMillan, the bill was further amended by changing the time of holding the Superior Court of the county of Rabun to the first Monday in April and the first Wednesday after the first Monday in October of each year.

On motion of Mr. Hamilton, the bill was further amended by changing the time of holding the Inferior Court of Dooly

county to the first Mondays in January and July in each year.

The report of the committee as amended, was agreed to; the bill was read the third time and passed under the following title, to-wit:

A bill to be entitled an act to change the time of holding the Superior and Inferior Courts of certain counties therein mentioned.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to lay out and form a new county from the county of Union and provide for the organization of the same.

On motion of Mr. Jamison, the same was postponed and made the special order for the 17th of January.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to regulate the interest on money loaned in this State and provide for the collection of the same.

On motion, the same was postponed and made the special order for Saturday the 19th instant.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorise the issuing of attachments and garnishments, and to regulate proceedings in relation to the same and for other purposes therein mentioned.

On motion the same was postponed and made the special order for Saturday, January 19th.

The Senate took up the report of the Committee of the Whole on a bill relative to the Supreme Court.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to lay out a new county from Clark and for other purposes.

On motion of Mr. McMillan, the same was laid on the table for the present,

The Senate took up the report of the Committee of the Whole on a bill to lay out and form a new county from the counties of Marion, Macon and Sumter, and provide for the organization of the same.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to change the line of the counties of Crawford and Monroe, so as to include the residence of Littleberry Lucas of Crawford county.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to alter and change a part of the 1st section of the 3rd article of the constitution of this State.

On motion of Mr. Peeples, the same together with such

other bills as refer to the same subject matter, was postponed and made the special order for the 17th inst.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to repeal an act assented to January 22d, 1852, compelling engineers to whistle at crossings. The report was agreed to; the bill was read the third time and lost.

The Senate took up the report of the Committee of the Whole on a bill to prevent the Ordinaries of the several counties of this State from practising law in the courts of law and equity in the same.

On motion the same was indefinitely postponed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to lay out and form a new county out of the counties of Lumpkin and Gilmer, and for other purposes therein specified.

Mr. Cantrell moved to strike out all after the 7th section, and insert the following, to-wit :

Section 8th. *And be it further enacted by the authority aforesaid,* That whereas there is an outstanding debt against said county of Lumpkin, that said county of Johnson shall pay to the county Treasurer of said county of Lumpkin, its part of said outstanding debt, in proportion to the taxable property now embraced in the limits of said county of Johnson, which proportion is as three is to four, and the said new county shall be allowed a credit by said county of Lumpkin of the sum of six hundred dollars for aiding the said county of Lumpkin in paying for a new jail that was built last year, and the Justices of the Inferior Courts of said county of Lumpkin, and said new county, or a majority of them, shall meet at Dahlongega at such time as may be agreed on by them, at least within six months after the Justices of the Inferior Court of said new county is commissioned and qualified, and shall ascertain the amount of said outstanding debt, and the amount to be paid by both of said counties respectively as aforesaid, and all things done by them in relation thereto, shall be binding on said parties, and for the purpose of paying off said outstanding debt, the Justices of said Inferior Courts respectively are hereby authorised and required to levy an extra tax on the State tax of each of said counties from year to year sufficient to pay off said outstanding debt, within eight years from the passage of this act.

Section 9th *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against t is act be and the same are hereby repealed.

The amendment was agreed to, and the report of the committee of the Whole as amended was agreed to, the bill was read the third time, and on the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 32, nays 52.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Beall, Brown of Gwinnett, Camden, Cantrell, Carlton, Chastain, Dabney, Gordon, Hale, Harris of Taliaferro, Jamison, Knight, Lawson of Burke, Long, McDonald, McGuire, McMillan, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Ponder, Poole, Sapp, Shropshire, Strickland, Ware and White.

Those voting in the negative are Messrs. Atkinson, Baxter, Beasley, Billups, Brown of Baldwin, Buchanan, Calhoun, Cannon, Causey, Colbert, Cone of Bulloch, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Hamilton, Hardeman, Hays, Hill, Howell, Jeter, King, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McIntosh, Moreland, Newton, Patterson of Jefferson, Paulk, Peeples, Pharr, Pope, Reddish, Riley, Robinson, Simms, Scott, Screven, Smith, Spalding, Swinney, Wales, Welborn, and Whitaker.

So the bill was lost.

The Senate took up the report of the committee of the Whole on a bill to amend an act entitled an act to change the line between the counties of Campbell and Fayette, so as to include the residence of Nathan Camp, now in the county of Fayette, in the county of Campbell, assented to February 20th, 1854.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act declaring who are qualified and liable to serve as jurors in criminal cases, regulating the manner of empannelling a jury in such cases, declaring who are competent jurors, the mode and manner of ascertaining such competency and for other purposes therein named.

On motion of Mr. Cone of Greene, the same was taken up by sections.

Mr. Murphy moved to amend the 1st section by inserting after the words "twenty-one years," the words "and not over sixty years;" which was agreed to.

On motion of Mr. Cone of Greene, the third section was amended by adding the following words "and if twenty-four jurors are not in attendance, the panel of forty-eight shall be made up by persons served as aforesaid."

Mr. Murphy moved to amend the 2d item of the 7th section by inserting the words "or that he is over 60 years of age," which was agreed to.

On motion of Mr. Sims, the third item of the 7th section was amended by adding the words "or intoxicated."

On motion of Mr. Dabney, the 9th section was amended by adding to it the following, to-wit:

"Provided, nevertheless, That either the State or the defendant shall have the right to introduce evidence before the

Judge to show that the answers or any of them, of the Juror are untrue, and it shall be the duty of the Judge to determine upon the truth of such answer as may be thus questioned before the court."

On motion of Mr. Dabney, the 11th section was amended by inserting after the words "competent juror," the words "or the Judge upon objection made shall decide him to be competent."

Mr. Peeples moved to amend by striking out all after the enacting clause, and inserting the following in lieu thereof, to-wit:

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act in all criminal cases to be tried in this State, the accused shall not be entitled to call for triors, but that the presiding Judge shall in all cases act as trior and hear and determine all objections to the competency and qualifications of jurors and that all the laws which now apply to and govern triors as to the introduction of testimony shall have force and apply to the mode of trial herein pointed out."

Pending the same, Mr. Murphy moved to postpone indefinitely the original and substitute, whereupon the yeas and nays were required to be recorded and are yeas 43, nays 39. Those voting in the affirmative are Mess. Allred, Ashe, Avery, Brown of Gwin't, Calhoun, Camden, Cantrell, Causey, Chastain, Cone of Bulloch, Cumming, Dabney, Gray, Gibson, Gordon, Hale, Hardeman, Harris of Taliaferro, Hays, Howell, Knight, Lawton, Long, Lott, Matthews, McCrimmon, Murphy, Newton, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Reddish, Renfroe, Riley, Sapp, Screven, Ware, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Baxter, Beall, Beasely, Billups, Brown of Baldwin, Buchanan, Cannon, Carlton, Colbert, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Hamilton, Hill, Jamison, King, Lawson of Burke, Maddux, Marshall, McDonald, McIntosh, McMillan, Miller, Moreland, Morris, Murray, Nichols, Shropshire, Simms, Scott, Smith, Strickland, Swinney, Turner, Wales, and Welborn.

So the bill was postponed indefinitely.

On motion of Mr. Carlton, the Senate adjourned till ten o'clock to-morrow morning.

THURSDAY, JANUARY 17th, 1856.

The Senate met pursuant to adjournment.

Mr. Cantrell moved to reconsider so much of the Journ-

al of yesterday as refers to the rejection of the bill to lay out and form a new county from Lumpkin and Gilmer.

Whereupon the yeas and nays were required to be recorded, and are yeas 51, nays 38.

Those voting in the affirmative are Messrs. Allred, Ashe, Atkinson, Avery, Beall, Camden, Cantrell, Carlton, Causey, Chastain, Cone of Greene, Dabney, Dunnagan, Dupree, Gordon, Guerry, Hale, Harris of Taliaferro, Hays, Howell, Jamison, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moore of Cobb, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Ponder, Poole, Reddish, Renfro, Sapp, Shropshire, Screven, Spalding, Strickland, Ware, Whitaker and White.

Those voting in the negative are Messrs. Baxter, Beasley, Billups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Colbert, Cone of Bulloch, Crowder, Cumming, Fambro, Gray, Gibson, Hamilton, Hardeman, Hill, Jeter, King, Maddux, Marshall, McIntosh, Miller, Moore of Lincoln, Moreland, Patterson of Jefferson, Peeples, Pharr, Pope, Riley, Robinson, Simms, Scott, Smith, Studstill and Wales.

So the motion prevailed.

Mr. Nichols moved to reconsider so much of the Journal of yesterday as relates to the rejection of a bill to repeal an act assented to January 22d, 1852, compelling Engineers to whistle at crossing. The motion was agreed to.

Mr. Gibson moved to reconsider so much of the Journal of yesterday as relates to the rejection of a bill to prevent Ordinaries from practising law in the Courts of Law and Equity in this State; the motion was lost.

Mr. Miller moved to reconsider so much of the Journal of yesterday as relates to the indefinite postponement of a bill to be entitled an act declaring who are qualified and liable to serve as Jurors in criminal cases, regulating the manner of empanelling a jury in such cases, declaring who are competent jurors, and the mode and manner of ascertaining such competency, and for other purposes therein mentioned.

The motion was agreed to.

On motion of Mr. Cone of Greene, the resolutions introduced by him in relation to the election of a Speaker of the House of Representatives of the United States, and approving the message of the President of the United States, were taken up.

Mr. McMillan moved to refer the same to a Select Committee of five.

Mr. Baxter moved the previous question, whereupon the yeas and nays were required to be recorded, and are yeas 40, nays 52.

Those voting in the affirmative are Messrs. Baxter

Beasely, Billups, Brown of Baldwin, Calhonn, Cannon, Carlton, Causey, Cone of Greene, Dixon, Dunnagan, Dupree, Hardeman, Hill, King, Knight, Lawton, Lott, Maddux, Marshall, McCrimmon, Miller, Murray, Newton, Nichols, Paulk, Peeples, Renfroe, Robinson, Simms, Scott, Screven, Spalding, Studstill, Swinney, Turner, Wales, Ware, Wellborn and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Beall, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Colbert, Cone of Bulloch, Crowder, Cumming, Dabney, Fambro, Gray, Gibson, Gordon, Guerri, Hale, Hamilton, Harris of Talliaferro, Hays, Howell, Jamison, Jeter, Lawson of Burke, Long, Matthews, McDonald, McGuire, McIntosh, McMillan, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Poole, Pope, Reddish, Riley, Sapp, Shropshire, Smith, Strickland, Whitaker and White.

So the motion was lost, and the resolutions were laid over for one day.

Mr. Nichols moved to take up the bill reconsidered this morning, to repeal an act assented to January 22d, 1852, prescribing certain rules and regulations to be observed by the several Rail-road Companies in this State.

Mr. McMillan moved to amend the same by striking out all after the enacting clause, and insert the following in lieu thereof, to-wit :

And be it enacted, That so much of said act as requires Rail-road Companies to blow whistles and put up sign-boards giving notice thereof, is hereby repealed, and that all rail-road trains shall be compelled to slacken their speed to a rate of not more than four miles an hour, at least two hundred yards from all depots and crossing of public roads, and that any company failing to do so shall be subject to the pains and penalties specified in said act; the motion to amend prevailed.

On motion of Mr. Miller the same was referred to a Select Committee of three.

The Committee under the foregoing motion are Messrs. Miller, McMillan and Murphy.

On motion of Mr. Screven the resolution introduced by him, asking the Governor to furnish certain information in relation to the Military Institute, was taken up, read and agreed to, and ordered to be transmitted forthwith to his Excellency the Governor.

On motion of Mr. Murphy, Mr. Calhoun was added to the Select Committee on Atlanta Bank and Bank of Interior.

On motion of Mr. Lawson of Burke, Mr. Cone of Greene was added to the committee on the State of the Republic.

On motion the rules were suspended and Mr. Gibson re-

orted a bill defining the liability of parties in actions of over, &c.; which was read the first time.

The Senate took up the special order, which was the consideration of the report of the committee on a bill to be entitled an act to alter and amend the first section of the third article of the Constitution of this State.

Mr. Lawton moved to amend the same by inserting after the 12th line the following, to-wit: "And the said Court shall at each term unless precluded by some Providential cause dispose of, and finally determine each and every case on the docket.

Mr. Buchanan moved to amend by adding the following in lieu of Mr. Lawton's amendment, to-wit:

"A trial shall be had of each case on the docket of said Court at each session, at the first term after Writ of Error brought, unless Providential cause is shown why said trial should not be had at said term, and the judgment on all cases tried at any term of said Court shall be delivered and pronounced within thirty days after the adjournment of the term.

Pending the same, on motion of Mr. Carlton, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the unfinished business of the morning, which was the amendment offered by Mr. Lawton to the 12th line of a bill to be entitled an act to alter and amend the first section of the 3rd article of the Constitution of this State, to which Mr. Buchanan offered a substitute in lieu thereof.

The amendment of Mr. Lawton was lost, and the amendment of Mr. Buchanan was adopted in lieu thereof.

Mr. McMillan moved to amend the 9th line by inserting after the words "Superior Courts," the words "or from any other Court having final jurisdiction of the cause to be carried up"; which was agreed to.

Mr. Lawton moved to amend the 23d line by inserting after the words, "where the defendants reside," the words, "except where titles to real estate are involved"; which motion was lost.

Mr. Dabney moved to amend the 29th line by inserting the words, "unless the same shall be removed to an adjoining county in such manner as the Legislature may by law direct"; which was agreed to.

Mr. Miller moved to amend the 45th line by inserting after

the word "jurisdiction," the words "to be exercised after the 1st Monday in January, 1860."

On motion the 48th line was amended by inserting after the word "counties," the words "or cities."

Mr. Spalding moved to strike out so much of the bill as provided for the organization of county Courts, whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 56.

Those voting in the affirmative are Messrs. Baxter, Brown of Gwinnett, Camden, Chastain, Colbert, Crowder, Dixon, Maddux, Marshall, McDonald, Patterson of Jefferson, Reddish, Renfroe, Riley, Screven, Spalding, Studstill and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Beall, Billups, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Causey, Cone of Greene, Cumming, Dabney, Dupree, Fambro, Gibson, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hill, Howell, Jamison, Jeter, King, Knight, Lawson of Burke, Lawton, Lott, Matthews, McCrimmon, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Patterson of Gilmer, Peeples, Pharr, Ponder, Pope, Robinson, Shropshire, Simms, Scott, Strickland, Swinney, Turner, Wales, Ware, Whitaker and White.

So the motion was lost.

The report of the Committee as amended was agreed to, the bill was read the third time, and on the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 53, nays 22.

Those voting in the affirmative are Messrs. Ashe, Beall, Billups, Brown of Baldwin, Buchanan, Cantrell, Carlton, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Dupree, Fambro, Gibson, Guerry, Hale, Hamilton, Hardeman, Hill, Jeter, King, Knight, Lawson of Burke, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McGuire, McMillan, Miller, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Peeples, Ponder, Pope, Riley, Shropshire, Simms, Scott, Spalding, Strickland, Studstill, Swinney, Wales, Whitaker and White.

Those voting in the negative are Messrs. Allred, Baxter, Brown of Gwinnett, Calhoun, Camden, Cannon, Causey, Chastain, Colbert, Gray, Harris of Taliaferro, Howell, Jamison, McDonald, McIntosh, Patterson of Jefferson, Reddish, Renfroe, Robinson, Screven, Turner and Wynn.

The bill was passed by a Constitutional majority.

The Senate took up the report of the Committee on a bill to alter the 1st section of the 3d article of the Constitution.

On motion of Mr. Miller the same together with another

bill of the same caption were laid on the table for the present.

The Senate took up the special order, which was the report of the Committee of the Whole on a bill to lay out and form a new county from the county of Union, and provide for the organization of the same.

On motion the same was referred to a Select Committee of five.

The Committee under the foregoing motion were Messrs. Jamison, McMillan, Poole, Turner and Cannon.

On motion of Mr. McGuire the rules were suspended and the Senate took up for a second reading a bill of the House of Representatives to be entitled an act amendatory of the several acts incorporating the city of Rome in this State.

The Senate took up the regular order, which was the report of the Committee of the Whole on a bill to be entitled an act to incorporate the Mount Vernon Methodist Camp Ground in Whitfield county.

Mr. McDonald moved to amend the same by adding the following as an additional section, to-wit :

And be it further enacted, That Daniel E. Knoles, James Fullwood, Randal McDonald, James Inman, Irwin R. Booth, James A. Sweat and David J. Miller, and their successors be, and they are hereby appointed and declared to be a body corporate under the name and style of the Trustees of the Waresboro' Camp Ground in the county of Ware, and shall have power to receive titles to all property, both real or personal, by deed, grant, gift, lease, or otherwise, and to dispose of the same for the use of said Camp Ground, and shall have power to make all rules, regulations or bye-laws for the government of said Camp Ground, that they or a majority of them may deem necessary, provided they be not contrary to the Constitution and laws of this State.

Sec. 4th. *And be it further enacted*, That all violations of the rules, regulations and bye-laws made by the Trustees aforesaid for the government of said Camp Ground, shall be punishable under the existing laws now of force for the protection of public worship.

Sec. 5th. *And be it further enacted*, That said Trustees and their successors or a majority of them, shall have power to fill all vacancies that they may occur in their body by death, resignation or otherwise, and that the limits of said incorporation shall extend a distance of one mile in every direction from said Camp Ground, all laws militating against this act be, and are hereby repealed.

The report as amended was agreed to, the bill was read third time and passed under the following title, to-wit: "A bill to be entitled an act to incorporate Mount Vernon Methodist Camp Ground in Whitfield county and the Waresboro'

Camp Ground in the county of Ware, and to appoint Trustees for the same.

The Senate took up the report of the committee on a bill to be entitled an act to point out the mode of ascertaining the relief to which widows and orphans are entitled out of their deceased husbands and parents estates, in cases where letters testamentary and of administration have, or shall be hereafter granted, and for other purposes.

Mr. Miller moved to amend the same by adding the following as an additional section, to-wit :

And be it further enacted. That where there is but one Justice of the Peace in the District, said Justice and any two freeholders may on the application of the widow or children make the assessment or assignment of property authorized by the act of the General Assembly of 1850, in relation to the estates of persons without representation by Executor or Administrator.

The amendment was agreed to.

Mr. Maddux moved to amend the same by adding the following as an additional section :

"And the said appraisers shall also have power to set apart for the widow a sufficient amount of the household furniture for the use of the widow and children, and that the titles of said furniture so set apart shall vest in the widow.

The motion to amend prevailed.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to exempt all property real or personal inherited by, or given to any female either before, or after marriage of said female from seizure or sale to satisfy any debt or demand founded on any contract of the husband made or entered into before marriage.

On motion of Mr. Miller the same was laid on the table for the present.

On motion of Mr. Murphy the Senate adjourned till tomorrow morning at 10 o'clock.

FRIDAY, JANUARY 18th, 1856.

The Senate met pursuant to adjournment

Mr. Chastain moved to reconsider so much of the Journal of yesterday as related to the passage of the bill to alter and amend the first section of the third article of the Constitution of this State, whereupon the yeas and nays were required to be recorded, and are yeas 39, nays 57.

Those voting in the affirmative are Messrs. Allred, A-

kinson, Avery, Beasely, Brown of Calhoun, Brown of Gwinnett, Calhoun, Camden, Cannon, Causey, Chastain, Colbert, Cone of Bulloch, Dunnagan, Gibson, Gordon, Hale, Harris of Taliaferro, Hays, Jamison, Lawson of Burke, Lawson of Houston, Marshall, McDonald, McIntosh, Moore of Cobb, Moreland, Morris, Patterson of Jefferson, Paulk, Poole, Reddish, Renfroe, Riley, Screven, Turner, Wellborn, White and Wynn.

Those voting in the negative are Messrs. Ashe, Baxter, Beall, Billups, Brown of Baldwin, Buchanan, Cantrell, Carlton, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Dupree, Fambro, Guerry, Hamilton, Hardeman, Head, Hill, Howell, Jeter, King, Knight, Lawton, Long, Lott, Maddux, Matthews, McCrimmon, McMillan, Miller, Moore of Lincoln, Murray, Newton, Nichols, Patterson of Gilmer, Peeples, Pharr, Ponder, Pope, Robinson, Shropshire, Simms, Scott, Smith, Studstill, Swinney, Wales, Ware and Whitaker.

So the motion to reconsider was lost.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to provide for the survey of the Okefenokee Samp and for other purposes.

A bill to be entitled an act to compensate Grand and Petit Jurors of the county of Decatur.

Mr. Dunnagan moved to reconsider so much of the Journal of yesterday as related to the passage of a bill to incorporate the Mount Vernon Methodist Camp Ground in Whitfield county and the Waresboro' Camp Ground in the county of Ware, and to appoint Trustees for the same.

Whereupon the yeas and nays were required to be recorded, and are yeas 7, nays 72.

Those voting in the affirmative are Messrs. Camden, Chastain, Colbert, Dunnagan, Gibson, Guerry and Paulk.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Avery, Baxter, Beall, Beasely, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dixon, Fambro, Gordon, Hale, Hamilton, Hardeman, Head, Hill, Howell, Jamison, King, Knight, Lawson of Burke, Lawson of Houston, Lawton, Long, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Miller, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Robinson, Shropshire, Simms, Screven, Smith, Studstill, Turner, Wales, Wellborn Whitaker, White and Wynn.

So the motion to reconsider was lost.

Mr. Atkinson reported a bill to incorporate the St. Mary's and Gulf Rail-road Company, and for other purposes; which was read the first time.

Mr. Beasely reported a bill to incorporate the LaGrange Light Guards, a volunteer company, and for other purposes; which was read the first time.

Mr. Calhoun reported a bill to require all Banks in this State having Agencies, to redeem certain bills at the same, to prevent them from discounting or buying bills, bonds or notes at more than lawful interest, and to prevent them from buying without the limits of this State such paper on the citizens of the same.

On motion of Mr. Peebles, one hundred and twenty copies of the same were ordered to be printed.

Mr. Camden laid upon the table the following resolution, to-wit :

Resolved, That no new matter be introduced into this body after the 1st day of February next, unless by unanimous consent.

Mr. Carlton laid upon the table the following resolution, to-wit :

Resolved by the Senate and House of Representatives in General Assembly met, That his Excellency the Governor be requested to furnish the Justices of the Peace for the 1134th District, G. M. of the county of Campbell, such law books and forms as are usually furnished said officers for the use of said Justices.

Mr. Cone from the Select Committee to whom was referred a bill to legalize the acts of Justices of the Inferior Courts of this State sitting as a Land Court report they have had the same under consideration, and recommend the passage of a bill as a substitute for the original. All of which is respectfully submitted.

Mr. Cone of Greene reported a bill to be entitled an act prescribing the mode in which the names of persons may be changed, and how persons may be legitimatized.

Also, a bill to enable persons who have claims against trust estates to recover them in a Court of law, &c.

Also, a bill to authorize Tax Collectors to issue summons of Garnishment; which were read the first time.

Mr. Crowder reported a bill for the relief of Shady A. Jackson wife of Turner M. Jackson of Monroe county; which was read the first time.

Mr. Dixon reported a bill to incorporate Woodbury Lodge No. 149 of Free and Accepted Masons of the town of Woodbury, Merriwether county; which was read the first time.

Mr. Fambro reported a bill for the better regulating the Retail License system in this State, and for other purposes therein mentioned; which was read the first time.

Mr. Gibson laid upon the table the following resolutions, to-wit :

In the organization of the Government of the United States, each of the States alike became members of the Union as equals, and that too with a definite purpose ever to maintain that equality in the exercise and enjoyment of their just rights, whether possessed before the adoption of the Constitution, or acquired afterwards ; wherefore,

Resolved, That while we deplore the exhibition of disorder in the failure of the House of Representatives to organise, that disorganization is the legitimate result of the hostility to the Government imbedded in the heart of anti-slavery-ism.

Resolved, That the members of the House of Representatives who have firmly adhered to the support of William A. Richardson for Speaker have shown thereby their determination to maintain the principle of equality among the States that Congress has no power to legislate Slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

Resolved, That while we should regard the election of an Abolition member to the Speakership in the House of Representatives, the greatest public calamity, it is the sense of this General Assembly that no compromise should, or ought to be made by the friends of the Kansas-Nebraska act with the enemies of that bill ; and we cordially approve their manifest intention to promote no member to the Speaker's Chair who does not approve the principles in that act.

Resolved, That in this juncture of imminent peril to the institutions of these United States, it is fit and meet that all who accord the just rights of all the States alike in the enjoyment of the common territory in the Union, should forego former political differences, and gather as a band of brethren around the common heritage of America, (the Constitution,) and thereby evince to the world the capacity of the people of these United States to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity.

Resolved, That President Pierce deserves the gratitude of the Nation for his masterly defence of Constitutional Liberty so ably set forth in his late Message ; and his bold manifestation of the truth of history in delineating the aggressions of the North and the forbearance of the South upon the subject of Slavery, richly entitle him to the highest commendation of every true patriot.

Resolved, That this General Assembly approve the construction given to the Clayton and Bulwer Treaty by Presi-

dent Pierce, and that the position he has assumed, upon that subject ought to be maintained "at all hazards."

Resolved, That this General Assembly hereby declare the opinion that the present position of Franklin Pierce to the great measures before the country, commend him to the Nation as the candidate for the next Presidency.

Mr. Dabney moved that one hundred and twenty copies of the foregoing resolutions be printed.

Mr. Hardeman moved to amend by adding, "and also the resolutions introduced by Mr. Cone of Greene," which was agreed to.

Whereupon the yeas and nays were required to be recorded, and are yeas 70, nays 15.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Baxter, Beall, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camder Cannon, Cantrell, Carlton, Chastain, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixor Gray, Gordon, Hale, Hamilton, Hardeman, Harris of Talafarro, Hays, Head, Hill, Howell, Jeter, King, Lawson of Burke, Lawson of Houston, Lawton, Long, Lott, Marshall Matthews, McCrimmon, McDonald, McIntosh, McMillan, Miller, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Newton, Patterson of Gilmer, Patterson of Jefferson, Peoples, Pharr, Ponder, Poole, Rentroe, Riley, Robinson Shropshire, Scott, Screven, Smith, Strickland, Swinney, Wales, Wellborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Allred, Beasely, Billups, Colbert, Dunnagan, Dupree, Fambro, Jamison, Maddux, Murray, Nichols, Paulk, Simms, Studstill and Turner.

So the motion was agreed to.

Mr. Hays laid upon the table the following resolution to-wit:

Resolved, That his Excellency the Governor be, and he is hereby required to furnish five copies of Cobb's Analysis first, second and third volumes of Kelly's Reports of the State for the use of the county of Early, and to transmit the same with the laws of this session of the Legislature.

Mr. Hill reported a bill to limit the operation of an act passed January the 21st, 1852, requiring all wills of persons property to be executed and proved in the same manner as is now prescribed by law for the execution and proof of devises of real estate; which was read the first time.

Mr. Maddux laid upon the table the following resolution to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia, That his Excellency the Governor be instructed to furnish to the Inferior Court of Jasper count

five copies of Cobb's Analysis and Forms for the use of the Justices and Clerk of said Court.

Mr. Matthews reported a bill to change the time of holding the Court of Ordinary of Scriven county; which was read the first time.

Mr. Moreland reported a bill to incorporate Emory Lodge number one hundred and seventy of Free and Accepted Masons of the village of St. Cloud, Heard county; which was read the first time.

Mr. Moore of Lincoln reported a bill to incorporate the Auriferous Hill Gold Mining Company; which was read the first time.

Mr. Miller laid upon the table the following resolution, to-wit :

Resolved, That with the view of an adjournment *sine die* of the General Assembly on the twentieth of February next, the Senate, unless otherwise determined will on and after Monday next meet at 9 o'clock in the forenoon, three o'clock in the afternoon and seven o'clock in the evening.

Mr. Murphy reported a bill to be entitled an act amendatory of an act entitled an act to incorporate the town of New Gibraltar in DeKalb county, to appoint Commissioners for the same, to provide for the election of Commissioners in succession, and other regulations therein named, and to levy a tax for the improvement of said town to change the name, and extend the limits of said town, assented to the 17th December 1847; which was read the first time.

Mr. Newton reported a bill to compel owners, &c. in Effingham to employ a white man on their plantations; which was read the first time.

Mr. Nichols reported a bill to change the residence of John Peterson of the county of Clinch to the county of Coffee; which was read the first time.

Mr. Paulk laid upon the table the following resolution, to-wit :

Resolved, That all persons who are entitled to vote on the first Monday in October in 1857, shall endorse on their tickets "Supreme Court" or "no Court."

Mr. Peebles reported a bill to be entitled an act to designate the children who shall be entitled to the benefits of the poor school fund provided by the act entitled an act to provide for the education of poor," approved January 22nd, 1852, and for other purposes; which was read the first time.

Mr. Poole reported a bill to require the Tax Collector of Hart County to pay a certain amount of money to the Justices of the Inferior Court of said county to be used for county purposes; which was read for the first time.

Mr. Ponder reported a bill for the better defining the du-

ties of the Inferior Court of Thomas county ; which was read the first time.

Mr. Scott reported a bill to define the jurisdiction of the Courts of Ordinary in this State, and for other purposes which was read the first time.

Also, a bill for the relief of John T. Ball and others in Stewart county ; which was read the first time.

Mr. Reddish reported a bill to authorize persons to grant certain lots of land in the counties of formerly Appling, McIntosh and Early on certain conditions, and for other purposes which was read the first time.

Mr. Riley laid upon the table the following resolutions to-wit :

Resolved, 1st. That the time is now fully arrived when not only an assertion of the rights of the South under the Constitution, is necessary, but also that their practical maintenance, "at all hazards, and to the last extremity," is a question, to Southern people, paramount to all others.

2nd. That in view of the dangerous antagonisms presented by the different parties of the country, the people of the Slaveholding States, irrespective of parties, and past political differences, of minor import, compared with the great questions of the day, should plant themselves, upon the Constitutional equality of the States, "asking nothing but what is right, and submitting to nothing that is wrong."

3rd. That in the continued failure of the House of Representatives of the United States to organize by the election of a Speaker indicates, but too plainly, the sad political condition of the country, much to be regretted by every true friend of Constitutional freedom.

4th. That if the national, conservative members of the House of Representatives would unite upon some competent man, who is willing to abide by, and sustain all the existing laws upon the subject of slavery, and elect him as the Speaker, it would be a great boon to the country, and meet the approbation of the people of Georgia.

Mr. Screven reported a bill to incorporate the Welak Steamboat Company ; which was read the first time.

Also, a bill to confer certain additional powers upon the Mayor of Savannah, &c.; which was read the first time.

Also, a bill to limit the time of service of Grand and Petit Jurors in the city Court of Savannah, and to exempt keepers of Cemeteries from service on Juries ; which was read the first time.

Also, a bill to add an additional section to an act to incorporate the Georgia & Florida Steam Packet Company, approved February eighteenth, eighteen hundred and fifty-four, and for other purposes ; which was read the first time.

Mr. Wellborn reported a bill to incorporate the town of Tunnel Hill in Whitfield county, and for the purposes ; which was read the first time.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President: I am directed to inform the Senate that the House of Representatives insist upon their disagreement to the amendment of the Senate to the General appropriation bill providing for the appropriations of certain sums of money to John W. Duncan of Baldwin county and the Clerk of the Supreme Court.

On motion of Mr. Cone of Bulloch the Senate took up the report of the select committee, on the bill to legalize the past action of the Justices of the Inferior Courts of Bryan, Tatt-nall, Liberty, McIntosh and Glynn counties in reference to the granting of Land Warrants under Head Rights.

On motion of Mr. Cone of Bulloch the same was amended by striking out all after the enacting clause and inserting in lieu thereof the following bill reported from the committee, to-wit :

A bill to be entitled an act to make valid certain warrants, surveys and grants, and to authorize certain grants to be issued.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all Land Warrants heretofore issued by any three or more Justices of the Inferior Court of any county in this State, or by any two or more them, and a Justice or Justices of the Peace, or by any one of them, and Justices of the Peace, acting as a Land Court, under the law in relation to Head Rights, all surveys made in pursuance of any of said warrants, and all grants issued for land so surveyed shall be, and are hereby declared to be good and valid, to all intents and purposes, as if said Warrants had been issued by a Land Court, composed of the lawful number of Justices of the Peace, and grants shall be issued on any of said surveys where they have not been heretofore issued.

On motion of Mr. Peeples the same was further amended by adding the following as an additional section :

And be it further enacted by the authority aforesaid, That in all cases hereafter three or more Justices of the Inferior Courts of the several counties of this State, or two of said Justices and a Justice of the Peace shall be, and are hereby authorized to act as a Land Court, under the laws of this State in relation to Head Rights.

On motion of Mr. McMillan the same was further amended by inserting the following proviso, to-wit :

Provided, That nothing in this act contained shall effect any vested rights, or the law as it now stands, as between conflicting Grantees, under grants heretofore issued.

The report of the committee as amended was agreed to, the bill was read the third time and passed under the fol-

lowing title, to-wit : A bill to be entitled an act to make valid certain warrants, surveys and grants, and to authorize certain grants to be issued.

On motion of Mr. Screven the Senate took up the report of the Committee of the Whole on a bill of the House of Representatives to establish and incorporate a Medical College in the city of Savannah, to be called the Oglethorpe Medical College.

Mr. Screven moved to amend the second section by inserting the following in lieu thereof, to-wit :

Section 2nd. *And be it further enacted by the authority aforesaid,* That the said corporate body shall elect a Board of Trustees consisting of five persons who shall appoint all such rules and regulations as may be necessary or proper to carry into effect the objects of this corporation; to fill all vacancies, occurring from any cause from time to time, in the said Board of Trustees, and in the Faculty of said Medical College.

Whereupon the yeas and nays were required to be recorded, and are yeas 41, nays 42.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Baxter, Beall, Billups, Brown of Baldwin, Camden, Cannon, Carlton, Cone of Greene, Crowder, Dixon, Fambro, Hill, Lawson of Houston, Marshall, McCrimmon, McDonald, McIntosh, McMillan, Miller, Moore of Lincoln, Morris, Murray, Nichols, Paulk, Peeples, Ponder, Pogle, Pope, Renfro, Riley, Robinson, Simms, Scott, Screven, Smith, Spalding, Studstill, Swinney and Wynn.

Those voting in the negative are Messrs. Allied, Avery, Beasley, Brown of Gwinnett, Buchanan, Calhoun, Cantrell, Chastain, Colbert, Cone of Bulloch, Dabney, Dunnagan, Dupree, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Head, Howell, Jeter, King, Knight, Long, Maddux, Matthews, Moore of Cobb, Moreland, Murphy, Patterson of Gilmer, Patterson of Jefferson, Pharr, Reddish, Shropshire, Strickland, Turner, Wellborn, Whitaker and White.

So the motion to amend was lost.

Pending the further consideration of the report of the Committee, on motion of Mr. Carlton the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the consideration of the bill to establish and incorporate a Medical

College in the city of Savannah, to be called the Oglethorpe Medical College.

Mr. Cone of Greene moved to strike out of the 2nd section, the words, "to associate with themselves from time to time such persons as they may deem proper."

Mr. Long moved the previous question, which being seconded, the main question was put, and decided in the affirmative, and the second section was adopted.

On motion of Mr. Cone of Greene, the following was added as an additional section :

And be it further enacted, That said College shall not be authorized to issue any Diploma or confer a degree upon any student of said College, until said student shall have attended two full and regular courses of Lectures in this and one in some other College.

On motion of Mr. Cone of Greene, the 4th section was amended by adding the following words, "but in no case to grant a diploma or confer a degree, unless the applicant has attended the courses of Lectures prescribed in the foregoing section of this act.

The report of the Committee as amended was agreed to, the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 63, nays 15.

Those voting in the affirmative are Messrs. Allred, Ashe, Baxter, Beall, Beasley, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Chastain, Cone of Bulloch, Cone of Greene, Dabney, Dunnagan, Dupree, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Harde-man, Harris of Taliaferro, Hays, Head, Howell, Jamison, Jeter, King, Knight, Lawson of Houston, Long, Lott, Mad-dux, Matthews, McCrimmon, McDonald, McGuire, McIn-tosh, McMillan, Miller, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Poole, Pope, Ren-froe, Shropshire, Screven, Spalding, Turner, Wales, Well-born and Whitaker.

Those voting in the negative are Messrs. Avery, Billups, Brown of Baldwin, Carlton, Colbert, Crowder, Cumming, Fambro, Hill, Paulk, Peeples, Riley, Simms, Scott, Swinney and Wynn.

So the bill was passed.

On motion of Mr. Gibson the Senate went into Committee of the Whole, Mr. Lawton in the Chair, on a bill to be entitled an act to alter and amend the third, fourth, seventh and twelfth sections of the first article of the Constitution.

After being some time in session, on motion the committee arose and reported progress, and asked leave to sit again.

Mr. Spalding moved to refer the same to a select committee of nine, which was lost.

A motion was made to agree to the report of the committee, which was disagreed to.

The bill was taken up by sections.

Mr. Wellborn moved to strike out the 1st section, whereupon the yeas and nays were required to be recorded and are yeas 67, nays 20.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Beall, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Colbert, Cone of Bulloch, Crowder, Cumming, Dabney, Dupree, Gibson, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Hays, Hill, Jeter, Knight, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Moreland, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Simms, Scott, Screven, Smith, Strickland, Studstill, Swinney, Ware, Wellborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Allred, Baxter, Beasley, Billups, Calhoun, Cone of Greene, Dunnagan, Fambro, Hardeman, Head, Howell, Jamison, King, Lawson of Houston, Lawton, Maddux, Moore of Lincoln, Patterson of Jefferson, Shropshire, Spalding, Turner and Wales.

So the motion to strike out prevailed.

Mr. Camden moved to amend by inserting the following in lieu of the 1st section: "Each Congressional District now or that hereafter may be in this State shall be a Senatorial District and each Senatorial District shall elect by general ticket five Senators.

On motion the same was laid upon the table.

Mr. Miller moved to amend by inserting the following in lieu of the first section, to-wit: "The Senate shall consist of forty members, and it shall be the duty of the Legislature at the session when this act shall be adopted to divide the State into twenty Senatorial Districts which Districts shall be composed of contiguous counties, and as nearly equal as may be in population, counting all free white persons and three-fifths of the people of color; and at the session next after each future enumeration of the inhabitants of this State, made under the Constitution and Laws, and at no other time, said districts shall be so altered as to make them as nearly equal as may be agreeable to the last enumeration. When a new county is organized it shall be attached to one of the districts to which the county or counties from which it is taken belongs. Each district shall be entitled to two Senators, Immediately after the Senator shall be assembled in consequence of the first election, they shall be divided by lot into two classes in each district. The seats of the Senators of the first class shall be vacated a

the expiration of the second year; and of the second class at the expiration of the fourth year, so that one half, or as early so as may be, shall be elected every second year. The elections to be held biennially, and on the first Monday in October, until the day of election shall be changed by law."

Mr. Hardeman moved lay the same on the table, whereupon the yeas and nays were required to be recorded, and yeas 30, nays 54.

Those voting in the affirmative are Messrs. Allred, Atkinson, Brown of Baldwin, Brown of Gwinnett, Cannon, Chastain, Cone of Bulloch, Crowder, Dabney, Dupree, Gordon, Hale, Hamilton, Harris of Taliaferro, Howell, Marshall, McCrimmon, McDonald, Moore of Cobb, Murray, Nichols, Patterson of Gilmer, Paulk, Reddish, Renroe, Riley, Rudisill, Simms, Scott, Smith, Studstill, Swiney, Ware, Wellborn and White.

Those voting in the negative are Messrs. Ashe, Avery, Baxter, Beall, Beasley, Billups, Brown of Calhoun, Buchanan, Calhoun, Camden, Cantrell, Carlton, Colbert, Cone of Greene, Dunnagan, Fambro, Gray, Gibson, Guerri, Hardeman, Hays, Head, Hill, Jamison, Jeter, King, Knight, Lawson of Houston, Lawton, Long, Lott, Maddux, Matthews, McGuire, McIntosh, McMillan, Miller, Moore of Lincoln, Moreland, Morris, Murphy, Patterson of Jefferson, Peeples, Pharr, Ponder, Poole, Pope, Shropshire, Screven, Spalding, Strickland, Turner, Wales, Whitaker and Wynn.

So the motion to lay upon the table was lost.

On motion leave of absence was granted to Mr. Causey for a few days.

On motion of Mr. Carlton the Senate adjourned till ten o'clock to-morrow morning.

SATURDAY, JANUARY 19th, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Long, the rules were suspended, and the following bill was reported, to-wit:

A bill to be entitled an act to add certain counties therein named, from the Southern to the Eastern Judicial Circuit; which was read the first time.

On motion of Mr. McMillan, the bill to incorporate the North-Eastern Rail-road Company was made the special order for Wednesday next.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to incorporate the Rome Volunteers and to grant certain immunities and privileges to the members of the same.

A bill to be entitled an act to incorporate Line Church on or near the line of Habersham county.

A bill to be entitled an act to allow further time to sheriffs and their deputies, for the service of writs, process, declaration and bills in equity.

The following message was received from his Excellency the Governor, by Mr. DeGraffenried, his Secretary :

Mr. President—The Governor has approved and signed the following acts, to-wit :

An act to preserve and dispose of the property and effects of corporations after dissolution, and to provide for the payment of the debts of the same.

An act to incorporate the Canton Mining Company of Georgia.

An act to authorise Lewis Zeigler of the State of Louisiana, and Henry Zeigler of the State of Alabama, to qualify and acts as executors of the last will and testament of William Zeigler, late of the county of Crawford, deceased.

An act to alter and amend an act passed the 10th of December, 1845, appointing the places for holding the Supreme Court. Also,

A Joint Resolution from the Senate, appointing a committee from both houses to act in concert in making an examination of the Western & Atlantic Rail-road.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk :

Mr. President :—The House of Representatives have passed the bill of Senate to be entitled an act to change the time of holding the Superior and Inferior Courts in certain counties therein named, to which they ask the concurrence of the Senate.

On motion of Mr. Camden, the following resolution was taken up, read and agreed to :

Resolved, That no new matter be introduced into this body after the 1st day of February next, unless by consent of two thirds of the Senate.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the report of the committee of the Whole on a bill to alter and amend the third and fourth, seventh and twelfth sections of the 1st article of the Constitution of this State, to which Mr. Miller offered an amendment in lieu of the 1st section stricken out.

Mr. Spalding moved to strike out of the same all after the words "each district shall be entitled to two Senators," and

add the following words to-wit: "to be elected by general ticket;" which was lost.

Mr. Wellborn moved to strike out the word 'forty,' and insert 'fifty-six,' and to strike out 'twenty,' and insert 'twenty-eight,' which was lost.

Mr. Riley moved to strike out 'forty,' and insert 'one member from each county;' whereupon the yeas and nays were required to be recorded and are yeas 47, nays 45.

Those voting in the affirmative are Messrs. Allred, Atkinson, Avery, Brown of Baldwin, Brown of Calhoun, Brown Gwinnett, Cannon, Cantrell, Causey, Chastain, Coffee, Albert, Cone of Bulloch, Crowder, Cumming, Dabney, Ducee, Gray, Gordon, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Howell, Long, Lott, Marshall, Matthews, McCrimmon, Moore of Cobb, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Ponder, Reddish, Renfroe, Riley, Robinson, Rudisill, Simms, Scott, Studstill, Swinney, and White.

Those voting in the negative are Messrs. Ashe, Baxter, Ball, Beasley, Buchanan, Calhoun, Camden, Cone of Greene, Dixon, Fambro, Gibson, Guerry, Hardeman, Head, H. Jamison, Jeter, King, Lawson of Burke, Lawson of Guston, Lawton, Maddux, McDonald, McGuire, McIntosh, Millan, Miller, Moore of Lincoln, Moreland, Morris, Murphy, Patterson of Jefferson, Peeples, Pharr, Poole, Pope, Proppshire, Screven, Spalding, Strickland, Turner, Wales, Wellborn, Whitaker and Wynn.

So the motion to strike out prevailed.

On motion of Mr. Miller, the amendment as amended was laid upon the table.

On motion of Mr. Peeples the fourth and seventh sections were laid upon the table.

Mr. Peeples moved to amend the twelfth section by adding the following, to-wit:

But that no session of the General Assembly shall continue for more than forty days unless the same shall be done by vote of two-thirds of both branches of the General Assembly.

Mr. Gibson moved to amend the same by striking out 'forty,' and inserting 'sixty' in lieu thereof.

Mr. Lawton moved that the question be divided.

Upon the motion to strike out the yeas and nays were required to be recorded and are yeas 35, nays 54.

Those voting in the affirmative are Messrs. Billups, Brown of Baldwin, Buchanan, Coffee, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Gray, Gibson, Gordon, Hamilton, Hardeman, Harris of Worth, Howell, Jamison, Jeter, King, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McIntosh, Murphy, Newton, Patterson of Gilmer, Riley, Simms, Studstill, Sumner, Whitaker and White.

Those voting in the negative are Messrs. Allred, Ashe,

Atkinson, Avery, Baxter, Beall, Beasely, Calhoun, Camden, Cannon, Cantrell, Causey, Colbert, Cone of Bulloch, Dabney, Dupree, Fambro, Guerry, Hale, Harris of Taliaferro, Hays, Head, Hill, Lawson of Houston, Marshall, McCrimmon, McDonald, McGuire, Miller, Moore of Cobb, Moore of Lincoln, Moreland, Murray, Nichols, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Reddish, Renfroe, Shropshire, Scott, Screven, Spalding, Strickland, Swinney, Turner, Wales, Ware, Wellborn and Wynn.

So the motion to strike out did not prevail.

Mr. Camden moved to strike out all after 'forty days,' whereupon the yeas and nays were required to be recorded and are yeas 11, nays 76.

Those voting in the affirmative are Messrs. Allred, Ashe, Camden, Dunnagan, Jamison, Moreland, Murphy, Patterson of Jefferson, Shropshire, Strickland and Whitaker.

Those voting in the negative are Messrs. Atkinson, Baxter, Beall, Beasely, Billups, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Dabney, Dixon, Dupree, Fambro, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Head, Howell, Jeter, King, Knight, Lawson of Burke, Lawson of Houston, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Moore of Lincoln, Morris, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Peeples, Ponder, Poole, Reddish, Riley, Rudisill, Simms, Scott, Screven, Spalding, Studstill, Swinney, Turner, Wales, Ware, Wellborn, White and Wynn.

So the motion to strike out did not prevail.

On motion of Mr. Miller, the same was amended by inserting after the words 'General Assembly,' the words 'the vote to be taken by yeas and nays.'

Mr. Miller moved to amend the twelfth section by striking out the word 'Monday,' and inserting 'Wednesday.'

Mr. Cone of Bulloch moved to divide the question.

The motion to strike out was decided in the affirmative, and the motion to insert 'Wednesday' was agreed to.

Mr. Miller moved further to amend the amendment to the 12th section by adding the following, to-wit:

'The compensation of the members and officers of the General Assembly shall be fixed by law, and after fifty days session shall be reduced fifty per cent.

Mr. Moore of Lincoln moved to strike out all after 'fixed by law;', whereupon the yeas and nays were required to be recorded and are yeas 72, nays 21.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Baxter, Beasley, Billups, Brown of Baldwin,

Brown of Calhoun, Brown of Gwinnett, Buchanan, Canon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dixon, Dupree, Gray, Gibson, Jordan, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Head, Hill, Howell, Jamison, Jeter, King, Lawson of Burke, Lawson of Houston, Lawton, Long, Lott, Maddux, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murhy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Ponder, Poole, Reddish, Renfroe, Riley, Robinson, Rudisill, Simms, Scott, Spalding, Studstill, Swiney, Wales, Ware, Welborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Allred, Beall, Calhoun, Camden, Causey, Colbert, Dabney, Dunnagan, Hambro, Hale, Knight, Marshall, McIntosh, Miller, Moreland, Paulk, Pharr, Pope, Shropshire, Screven, Strickland and Turner.

So the motion to strike out prevailed.

The twelfth section as amended was agreed to.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. McGuire, the rules were suspended, and the Senate took up the report of the committee of the Whole on a bill to be entitled an act amendatory of the several acts incorporating the city of Rome in this State.

Mr. McGuire moved to amend the 1st section by striking out 'January' and inserting the word 'February.' Which was agreed to.

The report as amended was agreed to; the bill was read the third time and passed under the title thereof.

The Senate took up the unfinished business of the morning, which was the consideration of the report of the committee of the Whole on a bill to alter and amend the third and fourth, seventh and twelfth sections of the 1st article of the Constitution of this State.

Mr. Buchanan offered the following as an additional section :

The Senate shall consist of six members from each congressional district, and the Senatorial districts shall be the same as the Congressional districts and the Senators shall be elected in such manner and shall hold their office for such time as may hereafter be prescribed by law.

Whereupon the yeas and nays were required to be recorded and are yeas 23, nays 65.

Those voting in the affirmative are Messrs. Ashe, Billups, Buchanan, Camden, Cone of Greene, Gibson, Guerry, Head, Jamison, King, Lawson of Burke, Maddux, McGuire, Miller, Moreland, Morris, Patterson of Jefferson, Pharr, Pope, Shropshire, Strickland, Wales and Whitaker.

Those voting in the negative are Messrs. Allred, Atkinson, Avery, Baxter, Beall, Beasely, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Causey, Chastain, Coffee, Colbert, Cumming, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray-Gordon, Hardeman, Harris of Taliaterro, Harris of Worth, Hays, Hill, Howell, Jeter, Knight, Lawson of Houston, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moore of Cobb, Moore of Lincoln, Murray, Newton, Nichols, Patterson of Gilmer, Peeples, Ponder, Poole, Reddish, Renfroe, Riley, Robinson, Rudisill, Simms, Screven, Studstill, Sumner, Swinney, Turner, Ware, Wellborn and White.

So the motion to amend did not prevail.

Mr. Cone of Greene moved to amend further by adding the following as an additional section:

The members of the General Assembly shall be elected annually on the 1st Monday in October, and the Senate shall be composed of one member from each of the counties that now or may be hereafter organised in this State.

Mr. Patterson of Jefferson moved to amend the same by substituting the following to-wit: 'That the General Assembly of the State of Georgia shall convene on the first Wednesday in November once in every fourth year; which was lost.

Mr. Miller moved to lay the amendment offered by Mr. Cone of Greene, on the table; whereupon the yeas and nays were required to be recorded and are yeas 46, nays 44.

Those voting in the affirmative are Messrs. Avery, Brown of Baldwin, Buchanan, Calhoun, Camden, Cannon, Cantrell, Crowder, Dabney, Dunnagan, Gray, Gibson, Guerry, Hardeman, Hays, Howell, King, Knight, Lawson of Burke, Lawson of Houston, Maddux, McDonald, McGuire, Miller, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Nichols, Patterson of Gilmer, Peeples, Pharr, Ponder, Poole, Pope, Renfroe, Riley, Rudisill, Shropshire, Scott, Strickland, Swinney, Turner, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Baxter, Beall, Beasely, Brown of Calhoun, Brown of Gwinnett, Causey, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Cumming, Dixon, Dupree, Fambro, Gordon, Hale, Hamilton, Harris of Talliaferro, Harris of Worth, Head, Hill, Jeter, Lawton, Long, Lott, Marshall, Matthews, McCrimmon, McIntosh, McMillan, Murray,

Newton, Patterson of Jefferson, Paulk, Reddish, Robinson, Simms, Screven, Studstill, Ware and Wynn.

So the motion to lay on the table prevailed.

The report of the committee, as amended, was then agreed to; the bill was read the third time and on the question 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 75, nays 18.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Baxter, Beall, Beasley, Billups, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dupree, Fambro, Gray, Gibson, Gordon, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Head, Hill, Howell, King, Knight, Lawson of Houston, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McGuire, Miller, Moore of Cobb, Moore of Lincoln, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Peeples, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Robinson, Shropshire, Simms, Scott, Screven, Strickland, Studstill, Swinney, Turner, Welborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Camlen, Dixon, Dunnagan, Guerry, Jamison, Jeter, Lawson of Burke, Long, McIntosh, McMillan, Moreland, Morris, Patterson of Jefferson, Pharr, Rudisill, Ware and Wynn.

So the bill was passed by a constitutional majority under the following title, to-wit:

A bill to be entitled an act to alter and amend the twelfth section of the 1st article of the Constitution of this State.

On motion, Mr. Murphy was excused from serving on the select committee on the Atlanta and other banks, and on motion of Mr. Calhoun, Mr. Wellborn was added to the same in place of Mr. Murphy.

On motion, leave of absence for a few days was granted to Messrs. Adams, Walker, Griffin, Lawson of Burke, Mooly, Carlton and Smith.

On motion of Mr. Baxter, the rules were suspended, and the Senate took up the report of the committee of the Whole on a bill to be entitled an act for the relief of the estate of Joseph White, deceased, of the county of Stewart.

The report of the committee was agreed to; the bill was read the third time and passed.

On motion the Senate took up the message of the House of Representatives in relation to certain amendments of the House, to a bill of the Senate to be entitled an act to change the time of holding the Superior and Inferior Courts in certain counties therein named, and on motion the Senate concurred therein.

Mr. Dunnagan from the committee appointed to locate the

Penitentiary, laid upon the table a majority and minority report, and on motion, one hundred and twenty copies of same were ordered to be printed.

On motion of Mr. Moore of Lincoln, the Senate adjourn till ten o'clock Monday morning.

MONDAY, JANUARY 21st, 1856

The Senate met pursuant to adjournment.

Mr. Allred moved to reconsider so much of the Journal of Saturday as relates to the passage of the bill to alter and amend the twelfth section of the 1st article of the Constitution of this State.

Whereupon the yeas and nays were required to be recorded, and are yeas 32, nays 53.

Those voting in the affirmative are Messrs. Allred, Atkinson, Beasely, Brown of Gwinnett, Causey, Colbert, Cone of Bulloch, Cone of Greene, Dixon, Dungan, Gordon, Hale, Hamilton, Harris of Taliaferro, Head of Worth, Head, Jeter, Lawson of Houston, Long, L. McIntosh, McMillan, Moody, Murray, Newton, Paulk, Pender, Reddish, Spalding and Ware.

Those voting in the negative are Messrs. Avery, Bax Beall, Brown of Baldwin, Brown of Calhoun, Buchan, Calhoun, Camden, Cannon, Cantrell, Carlton, Chast Crowder, Cumming, Fambro, Gray, Gibson, Guerry, Edeman, Hill, Hines, Howell, King, Knight, Maddux, Matthews, McCrimmon, McDonald, McGuire, Miller, Moore Cobb, Moreland, Murphy, Patterson of Gilmer, Patterson Jefferson, Peoples, Pharr, Poole, Pope, Renfro, Robinson, Rudisill, Shropshire, Simms, Strickland, Still, Swinney, Turner, Wales, Wellborn, Whitaker Wynn.

So the motion to reconsider did not prevail.

On motion of Mr. Miller the following resolution was taken up, to-wit :

Resolved, That with the view of an adjournment, *sine* of the General Assembly, on the 20th of February next the Senate, unless otherwise determined at the time of adjournment, will on and after this day meet at 9 o'clock the forenoon, three o'clock in the afternoon and seven o'clock in the evening.

Mr. Cone of Bulloch moved the previous question, upon seconding the same, the yeas and nays were required to be recorded and are yeas 61, nays 29.

Those voting in the affirmative are Messrs. Allred, Atkinson, Avery, Baxter, Beall, Beasely, Brown of Bald

own of Calhoun, Camden, Cantrell, Causey, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Cumming, Dixon, Fambro, Gibson, Gordon, Hale, Hardeman, Harris of Taliaferro, Harris of Worth, Head, Hill, Howell, Jamison, Jeter, Maddux, Matthews, McCrimmon, McDonald, McMillan, Miller, Morris, Murray, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Ponder, Poole, Pope, Ragan, Reddish, Renfro, Rudisill, Shropshire, Scott, Screven, Strickland, Sumner, Swinney, Turner, Wales, Ware, Welborn, White and Wynn.

Those voting in the negative are Messrs. Ashe, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Carlton, Chastain, Coffee, Dunnagan, Gray, Guerry, Hardeman, King, Knight, Lawson of Houston, Long, McGuire, McIntosh, Moody, Moore of Cobb, Moreland, Murphy, Pharr, Riley, Robinson, Simms, Spalding, Studstill and Whitaker.

So the call for the previous question was seconded.

Upon the motion to agree to the resolution the yeas and nays were required to be recorded, and are yeas 64, nays 19.

Those voting in the affirmative are Messrs. Allred, Ash, Atkinson, Avery, Beall, Beasley, Brown of Calhoun, Buchanan, Calhoun, Camden, Cantrell, Causey, Colbert, Cone of Bulloch, Cone of Greene, Dixon, Dunnagan, Fambro, Gray, Gibson, Gordon, Hale, Hamilton, Harris of Taliaferro, Head, Hill, Jeter, Knight, Lawson of Houston, Maddux, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moody, Morris, Murphy, Murray, Newton, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Pope, Ragan, Renfro, Riley, Rudisill, Shropshire, Scott, Screven, Strickland, Sumner, Swinney, Turner, Wales, Ware, Welborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Brown of Baldwin, Brown of Gwinnett, Cannon, Carlton, Chastain, Coffee, Coffee, Guerry, Hardeman, Harris of Worth, King, Long, Scott, Matthews, Moore of Cobb, Moreland, Nichols, Patterson of Gilmer and Simms.

So the motion was agreed to.

The following message was received from his Excellency the Governor by Mr. Briscoe, his Secretary :

Mr. President : I am instructed by the Governor to lay before the Senate a communication in writing with accompanying documents :

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., January 21st, 1856. }

to the Senate :

In compliance with a resolution of the Senate, requesting the Executive to call on the Trustees of the Georgia Military Institute for certain information touching the property

of said Institute. I addressed a note, together with a copy of your resolution to Gen. Andrew J. Hansell, Secretary of the Board of Trustees.

I have the honor, herewith, to transmit his reply furnishing the information desired.

HERSCHEL V. JOHNSON.

MILLEDGEVILLE, GA., 18th Jan., 1856.

His Excellency,

H. V. JOHNSON :

Sir:—In response to your Excellency's note of this morning, addressed to the Board of Trustees of the Georgia Military Institute, covering a copy of a resolution of inquiry passed on yesterday, by the Honorable the Senate of Georgia, the undersigned, by direction of said Board, have the honor to reply.

1. The property of the Institute consists of a tract of one hundred and ten acres of land, lying partly within, and partly without the corporate limits of Marietta, the line passing through the Campus, on which have been erected one two story brick building 40 by 60 feet, divided into suitable rooms. one two story wood building 30 by 40 feet, also divided into several apartments—one Steward's house (residence) 48 by 50 feet; one mess hall 22 by 60 feet; one Store room 18 by 20 feet; one smoke house 18 by 18 feet fourteen dormitories for Cadets, each 18 by 36 feet, and each divided into two rooms; one gun house 18 by 30 feet; entire cost \$17,500, but which from the greatly enhanced value of the land is now worth in our estimation \$20,000.

2. Two-thirds of the entire stock of the Institute will be promptly transferred to the State without any compensation to the Stockholders therefor. The entire Stock would be thus transferred, but that about one-third of it is in the hands of Executors and Administrators of deceased owner and purchasers from original stockholders, who become proprietors thereof not from any special interest felt in the prosperity of the Institute, but in business operations as to other property. This remaining third can be transferred to the State, if desired, for a sum not exceeding \$2,500 and we believe for 2000.

3. The liabilities and incumbrances of the Institute are for money borrowed at 7 per cent. and used in the erection of necessary buildings and purchase of the limited apparatus owned by the Institute and do not exceed in all \$7,500. Of this sum the principal debt is due Dr. James Screven of Savannah, who generously loaned the Institute in its early struggles and darker days \$5,000, the principal of which is still due, the interest having been paid semi-annually. O

remaining debt \$1,500 is due to Col. A. V. Brumby, including about \$100 of interest,) for money advanced by him at the request of the Board to take up a builders lien *à la fi fa* against the Institute obtained for building materials furnished. The balance not exceeding \$1,000 of principal and interest is due to Messrs. J. R. Northcutt, Dr. Coffin, D. Woodbridge and others for materials furnished, work done and small balance for apparatus.

4. The proposed appropriation will be applied as follows: first, to the extinguishments of said debts and incumbrances; and then to the erection of additional buildings, which are much needed, and to the purchase of additional necessary apparatus, a brief statement of which will show their character and necessity. We need, greatly, rooms for the Philosophical Department, and the department of Engineering. The present apparatus is inadequate to the full illustration of the sciences and but for the want of means would have long since been much enlarged. We require more models of bridges, stationary and locomotive engines, &c.

We have now but 28 rooms for the Cadets to live in, one of which is used for the Guard room and another for the hospital, leaving but 26 for studying and sleeping apartments. These rooms with four Cadets in each will only accommodate 104, and we sometimes have been driven to crowd five and even six in a room.

From the unusually large number of applications now made for the ensuing term, we are greatly encouraged in our enterprise—but shall be reluctantly constrained to refuse any of them admission, unless we can receive the asked aid. Besides many from our own State we already have cadets from South Carolina, Alabama, Florida, Louisiana and Mississippi and the number of new applications is unprecedentedly large from these States, to which we are happy to add applicants from Tennessee, Texas, Arkansas and Missouri. We would add also an incident in this our Southern enterprise, one from New Jersey and two from Massachusetts. We must either therefore have a number of additional dormitories, besides the buildings named or curtail the sphere of usefulness of the Institute.

As to the proposed disposition of the annual appropriation of \$5,000 solicited, we ask that it be used, 1st, For the employment of two additional Professors. We have now five Professors and one Assistant. But to teach thoroughly the course of studies prescribed by the regulations, will require seven Professors and one Assistant, the aggregate of whose salaries will be eleven thousand dollars. The sum asked for together with the tuition fees will pay these salaries and defray all the incidental and contingent expenses of printing, repairs, insurance, &c.

We have thus answered, we believe fully as we know,

candidly, the inquiries propounded, except so much of it as last as relates to "the condition of said Institution, and facts connected therewith illustrating the importance of attending the aid of the State to the same." We do not propose presumptuously in reply to this request, to intrude our views or arguments, either upon your Excellency or Senate, but beg leave very briefly to answer: 1st, Because the course of instruction at the Institute combined with discipline is such as eminently qualifies our young men to develop the resources of our great and growing State, the application of science to the various industrial pursuits in which they may be engaged and instil and fix in the habits of punctuality and self-reliance. 2. Because it furnishes every portion of our State with well educated sons of her own soil, to render our brave but undisciplined militia a tower of strength in every emergency.

The rapid progress in our State made in Rail-road communications, Architectural improvements and mining and manufacturing operations, owes its origin to the liberal and enterprise of our fellow citizens, but has been achieved in a majority of instances by the personal services of scientific men from abroad. Comparatively few of our educated young men have devoted themselves to the mechanical and industrial pursuits. While every portion of our State is ably represented at the Bar, in the Pulpit, in the Medical profession and in the Halls of Legislation by graduates of our Colleges and of our cherished State University, there are but few of our fellow citizens who stand forth prominently as men of science. But we desist for fear of trespassing.

We have the honor to be,

With sentiments of high regard,

Your Excellency's most ob't serv't.,

DAVID IRWIN, Pres. B. T. G. M. I.

ANDREW J. HANSELL, Sec'y.

Committee

The Senate took up the unfinished business of Saturday which was the consideration of the report of the Committee of the Whole on a bill limiting the time in which suits in Courts of Law in this State, must be brought, and also limiting the time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned.

On motion of Mr. Miller the second line of the first section was amended by inserting after the word "written" the words "evidence of."

On motion of Mr. Murphy the 8th section was amended by striking out the word "ten" where it occurs, and inserting "seven."

On motion the 11th section was amended, by adding

amendment proposed by the Judiciary Committee, to-wit : "But no instrument shall be considered sealed unless recited in the body of the instrument."

On motion of Mr. Peebles the 12th section was amended by inserting after the word "statutes" the words "acts of incorporation."

Mr. Peebles moved to amend the 20th section by adding the following, to-wit : "Provided, however, that no person who shall voluntarily take upon him, her, or themselves a legal disability shall be entitled to the provisions of this section."

Whereupon the yeas and nays were required to be recorded, and are yeas 42, nays 42.

Those voting in the affirmative are Messrs. Ashe, Beall, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cone of Bulloch, Gray, Gibson, Gordon, Hale, Hamilton, Hines, Knight, Lawson of Houston, Long, Lott, Maddux, Matthews, McCrimmon, McGuire, Miller, Moody, Moore of Cobb, Moreland, Murray, Newton, Patterson of Gilmer, Peebles, Pharr, Ponder, Pope, Ragan, Rudisill, Shropshire, Scott, Screven, Strickland, Studstill, Ware and Wynn.

Those voting in the negative are Messrs. Allred, Billups, Buchanan, Calhoun, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Cumming, Dunnagan, Fambro, Guerry, Hardeman, Harris of Taliaferro, Hill, Jamison, Jeter, King, McDonald, McIntosh, McMillan, Nichols, Patterson of Jefferson, Paulk, Poole, Reddish, Renfroe, Riley, Sapp, Simms, Spalding, Sumner, Turner, Wales, Wellborn, Whitaker, White and Wingfield.

There being a tie, the Chair voted in the affirmative and the amendment was agreed to.

On motion of Mr. Miller the 21st section was amended by adding the following, to-wit : "Provided, that in each of these cases there be representation by an Executor or Administrator duly qualified within five years from the death."

Pending the further consideration of the report of the Committee, on motion, Mr. Billups was excused from serving on the select committee of Atlanta and other Banks, and on motion of Mr. Carlton the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Upon a call of the Senate the following Senators appeared and answered to their names :

Messrs. Ashe, Beall, Billups, Brown of Gwinnett, Buchanan, Camden, Cantrell, Carlton, Causey, Chastain, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Gray, Gordon, Hale, Hamilton, Hardeman, Harris of Worth, Hill, Long, Maddux, McCrimmon, McGuire, McMillan, Moody, Moore of Cobb, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Reddish, Renfroe, Strickland, Sumner, Turner, Wales, Welborn, Whitaker and Wynn.

On motion, a second call of the roll was made, when the following Senators appeared and answered :

Messrs. Ashe, Beall, Billups, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Cone of Greene, Crowder, Cumming, Dunnagan, Gray, Gordon, Guerry, Hale, Hamilton, Hardeman, Harris of Worth, Hill, Jamison, Lawson of Houston, Long, McCrimmon, McGuire, McMillan, Moody, Moreland, Murphy, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Reddish, Renfroe, Riley, Strickland, Sumner, Turner, Wales, Welborn, Whitaker and Wynn.

There being no quorum on motion of Mr. Hardeman the Messenger and Door-Keeper were ordered to wait upon absent Senators, and request them to appear and take their seats.

A quorum soon appearing the Senate took up the unfinished business of the morning, which was the consideration of the report of the Committee of the Whole on a bill limiting the time in which suits in the Courts of law in this State must be brought, and also limiting the time in which indictments are to be found and prosecuted in certain cases.

Mr. McMillan moved to amend the 24th section by striking out the word "joint," which was agreed to.

Mr. Gibson moved to amend further the 24th section, by inserting after the word "computed" the words, "against those who may be under the disabilities aforesaid," which was lost.

On motion of Mr. Miller the 25th section was amended by adding the following words, to-wit : "or by some person authorized by them."

Mr. Peeples moved to amend the 29th section by inserting after the words "bona fida" the words "without notice of the judgment"; which motion was lost.

On motion of Mr. Buchanan the 34th section was amended by striking out the word "discontinued."

Mr. Cone of Greene moved to amend by adding the following as an additional section, to-wit :

"That when by the provisions of this act, a private person would be barred of his rights, the State shall be barred of his rights, under the same circumstances.

Whereupon the yeas and nays were required to be recorded, and are yeas 51, nays 40.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Beall, Beasley, Billups, Camden, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Fambro, Gordon, Guerry, Hale, Hamilton, Hardeman, Harris of Worth, Hines, Howell, King, Knight, Lawson of Houston, Lott, Maddux, McDonald, McIntosh, Miller, Moody, Moore of Cobb, Moreland, Murray, Patterson of Jefferson, Peebles, Pope, Regan, Reddish, Riley, Robinson, Simms, Scott, Sumner, Swinney, Ware, Wellborn and White.

Those voting in the negative are Messrs. Alfred, Baxter, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Carlton, Causey, Colbert, Cumming, Dunnagan, Gray, Gibson, Harris of Taliaferro, Head, Hill, Jamison, Long, Matthews, McCrimmon, McGuire, McMillan, Murphy, Newton, Patterson of Gilmer, Paulk, Pharr, Ponder, Poole, Renfroe, Rudisill, Shropshire, Screven, Spalding, Strickland, Studstill, Turner, Wales, Whitaker and Wynn.

So the additional section was agreed to.

Mr. McMillan moved to amend by adding the following as an additional section, to-wit:

"If after any administration or letters testamentary granted and the executor or administrator did the Statute shall cease to run until, there shall be a legal representative of the estate, who can sue or be sued, provided, a further administration or letters testamentary be granted within five years, which was agreed to.

On motion of Mr. Miller the following was added as an additional section, to-wit:

"*And be it further enacted*, That this act shall in none of its provisions interfere with the principles established in the Court of Equity in relation to laches or stale demands or the equitable bar, in cases brought to said Court.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Gibson the message of his Excellency the Governor in relation to the Military Institute, was taken up and read.

On motion the bill regulating the interest on money in this State, and the bill in relation to Attachments and Garnishments were read and postponed and made the special order for Wednesday next.

On motion of Mr. Screven the Senate took up the special order of the day which was the consideration of the report of the Committee of the Whole on a bill to amend the act incorporating the Georgia Military Institute, and appropriate money therefor, and the same taken up by sections.

Mr. Screven moved to amend the 1st section by striking out the words "two thirds or more," and also the words "in the same to the extent of two thirds of the whole stock," which was agreed to.

On motion of Mr. Screven the words "the Superintendent," were struck out of the 2d section the words, "the Treasurer of the Institute, which officer shall be elected by the Board of Visitors," were inserted.

On motion of Mr. Screven the following was added as an additional section, to-wit :

"The cost of the entire Stock held in the Institute shall not exceed the sum of \$2,500."

On motion of Mr. Calhoun, the following was added as an additional section, to-wit :

"And be it further enacted, That the State shall not be bound to pay any debts which said institution may contract and that it shall be competent for the General Assembly at any time hereafter, to repeal so much of this act as relates to the annual donation of \$5000.

Mr. Hardeman moved further to amend by striking out all after the enacting clause, and inserting the following in lieu thereof :

"That the sum of thousand dollars be, and the same is hereby appropriated to the Directors of the Georgia Military Institute, for the purpose of liquidating, the debts due by said Trustees, and for the purpose of erecting such buildings as may be deemed necessary for the future prosperity and welfare of the institution. And that his Excellency the Governor be requested to draw his warrant in favor of the President of said Board upon the Treasury, for the amount above specified, one half immediately after the passage of this bill, the other half in January, 1857.

Mr. Miller moved to fill the blank with "twenty-five thousand dollars," whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 80.

Those voting in the affirmative are Messrs. Brown of Baldwin, Buchanan, Calhoun, Lawson of Houston, Long, Miller, Murray, Nichols, Rudisill, Screven, Spalding, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Avery, Beall, Beasely, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dixon Dunnagan, Fambro, Gray, Gibson, Gordon, Guerri, Hale Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Head, Hill, Hines, Howell, Jamison, King Knight, Lott, Maddux, Matthews, McCrimmon, McDonald McGuire, McIntosh, McMillan, Moody, Moore of Cobb Moreland, Morris, Murphy, Newton, Patterson of Gilmer

Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Riley, Robinson, Shropshire, Simms, Strickland, Studstill, Sumner, Swinney, Turner, Wales, Wellborn, Whitaker and White.

So the motion did not prevail.

Pending the further consideration of the report of the Committee of Whole, on motion of Mr. Carlton the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, JANUARY 22d, 1856.

The Senate met pursuant to adjournment.

Mr. Beasley reported a bill to change the management of the Western & Atlantic Rail-road; which was read the first time.

Mr. Buchanan reported a bill to authorise the endorsers on promissory notes and other instruments, which shall be given for the purpose of negotiation or intended to be negotiated at any chartered bank or which may be deposited in any chartered bank for collection to be sued in the same action with the principal or maker; which was read the first time.

Mr. Camden reported a bill to be entitled an act to increase the duties of the Tax Receivers, Collectors, and county Treasurers in this State; which was read the first time.

Mr. Cone of Greene reported a bill to provide for the calling a convention of the people of this State, to prescribe the number of delegates and the mode and manner of their election and duties, and to fix the time and place of meeting of said Convention and for other purposes; which was read the first time.

On motion of Mr. Buchanan, 125 copies were ordered to be printed.

Also, a bill for the relief of the representatives and securities of Tax Collectors in certain cases, and for other purposes; which was read the first time.

Also the following resolution, to-wit :

Resolved, That his Excellency the Governor be requested to transmit to the Senate all the returns made by the Planter's and Mechanic's Bank of Dalton to the Executive Department, and also the Cherokee Insurance and Banking Company.

Mr. Hardeman from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, an act to change the time of holding the Superior and Inferior Courts in certain counties therein named.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk. to-wit :

Mr. President : The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to incorporate the Middle Ground Rail-road, to provide for its organization, to define its rights and liabilities.

A bill to be entitled an act for the relief of the Bank of the State of Georgia.

A bill to be entitled an act to amend the 18th section of the charter of the city of Atlanta, and to confer certain power upon the Mayor and Council of said city herein specified and to prescribe the manner in which the Clerk of the City Council shall direct his summons, precept and execution and other process.

They have also passed the following bill of Senate, to-wit:

A bill to be entitled an act to alter the time of holding the Superior Courts for the county of Newton, in the State of Georgia, and to allow two weeks for holding the same; and for other purposes therein named.

They have also concurred in the amendments of the Senate to the following bills of the House, to-wit:

A bill to be entitled an act to establish and incorporate a Medical College in the city of Savannah, to be called the Oglethorpe Medical College.

A bill to be entitled an act amendatory of the several acts incorporating the city of Rome in this State.

Mr. Dunnagan reported a bill to authorise heirs-at-law to settle estates, when they are of lawful age, and more definitely to define the law on that subject.

Also, a bill to protect and confer upon charitable societies certain privileges, and to make them bodies corporate and politic; which was read the first time.

Mr. Dunnagan also laid upon the table the following resolution, to-wit:

Resolved by the Senate, That all bills for the incorporation of Camp Grounds, church and charitable societies be referred to a select committee.

Mr. Gibson reported a bill to authorise the clerks in Pickens county, to appoint deputies in Barnesville: which was read the first time.

Also, a bill to facilitate the collection of certain debts; which was read the first time.

Mr. Hale reported a bill to authorise Azariah Burnett of the county of Dade, to practice medicine in said county, &c. which was read the first time.

Also, a bill to divide the offices of Tax Collector and Receiver of Tax Returns in the county of Dade; which was read the first time.

The following message was received from the House through Mr. Hunt their Clerk pro tem.

Mr. President: I am directed by the House to inform the Senate that Alexander M. Speer, Esq.- their Clerk, has obtained leave of absence for the present on account of indis-

position, and Mr. William H. Hunt has been appointed Clerk during his absence.

Mr. Harris of Worth reported a bill to authorise Warren Dykes, an infirm man of the county of Worth, to vend goods &c., in said county, without license or paying tax: which was read the first time.

Mr. Hill reported a bill to incorporate a bank in the town of Hamilton, to be called the Bank of Hamilton; which was read the first time.

Mr. Long reported a bill to incorporate the Commercial Bank of Georgia; which was read the first time.

Also, a bill to add the residence of R. J. Berrie of Camden county to the county of Glynn; which was read the first time.

Mr. McDonald reported a bill to authorise the Clerk of the Superior and Inferior Courts of the county of Ware, to keep their offices at their residence, if within eight miles of the Court House; and to exempt the Justices of Inferior Courts from all other public duties during their continuance in office; which was read the first time.

Also, a petition of Stagner Harris of the county of Ware; referred to the Committee on Petitions.

Mr. McDonald laid upon the table the following resolution, to-wit :

Resolved by the General Assembly of the State of Georgia, That for the purpose of ascertaining the wishes of the citizens of Georgia on the question of changing the Constitution so as to reduce the number of Senators, the legal voters of this State be requested at the next election for members of the General Assembly, to endorse upon their tickets, "Reduction" or "No Reduction," and the managers of elections shall make a return of the vote to the Governor in the same manner as now prescribed by law for the return of the vote for members of the General Assembly.

Mr. Jeter laid upon the table the following resolution, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Governor be authorized to issue to the magistrates of the 710th dist. in Marion county, the books usually allowed to magistrates in this State.

Mr. Nichols reported a bill to authorise the Tax Collector of Clinch to pay over the State Tax for the year 1856, to build an Academy in the town of Magnolia in said county.

The President decided that the bill was out of order, as it contemplated the appropriation of money.

Mr. Nichols appealed from the decision of the Chair, and upon the question being put, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative, and the bill was ruled out.

Mr. Moore of Lincoln laid upon the table the following resolution, to-wit :

Resolved, That his Excellency the Governor be requested to lay before the Senate copies of all reports and communications made to the Executive department since the adjournment of the last General Assembly, relative to the Institute for the Blind located in Macon.

Mr. Morris laid upon the table the following resolution, to-wit :

Resolved, That his Excellency the Governor be requested to transmit to the Senate the last returns of all the chartered banks of the cities of Savannah, Macon and Augusta.

Mr. Morris reported a bill to legalise the marriage of Ann Lynch with L. R. Wall, and to constitute the said Ann Wall, a legal heir of T. Lynch, her reputed father, which was read the first time.

Mr. Murray reported a bill to make it penal to cut wood, timber and pine, and haul off the same from any of the lands in the county of Catoosa without the consent of the owners or tenants in possession or agents; which was read the first time.

Mr. Peeples reported a bill to incorporate Lawrenceville Lodge No. 131 of Free and Accepted Masons; which was read the first time.

Also, a bill to alter and fix the times of holding the Superior Courts of the counties of Gwinnett and Hall and for other purposes; which was read the first time.

Mr. Ponder reported a bill to amend the acts incorporating the town of Thomasville, and to grant certain privileges to the same and to extend its limits; which was read the first time.

Also, a bill to incorporate Thomasville Female College; which was read the first time.

Mr. Renfro reported a bill for the relief of Stephen W. Parker of the county of Chattahoochee; which was read the first time.

Mr. Sims reported a bill to prescribe the mode of electing town commissioners for the town of Bainbridge, and to define their powers and to extend the corporate limits of said town; which was read the first time.

Mr. Ware reported a bill to compel parties to pay extra costs in certain cases which was read the first time.

Also, a bill for the relief of Wm. H. C. Prior, Executor, &c., which was read the first time.

Mr. Welborn reported a bill to lay out and organise a new county from the counties of Floyd and Chattooga; which was read the first time.

Mr. Wingfield reported a bill to amend an act approved Dec'r, 1822, to alter and amend an act for reducing the interest on money in this province, passed 27th March 1759, so

as relates to usurious contracts; which was read the first time.

On motion of Mr. Peeples, the bill to incorporate the Bank of Athens, was made the special order for Friday next.

On motion of Mr. Long, the bill to create a new circuit from Clinch, Ware, &c., was made the special order for Thursday next.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the Report of the committee of the Whole on a bill to amend the act incorporating the Georgia Military Institute and to appropriate money therefor.

Mr. Baxter moved to lay the substitute offered by Mr. Hardeman on the table for the present; which was lost.

Mr. Miller moved to fill the blank with 'twenty-four thousand dollars,' whereupon the yeas and nays were required to be recorded and are yeas 31, nays 65.

Those voting in the affirmative are Messrs. Baxter, Brown of Baldwin, Buchanan, Calhoun, Causey, Cone of Bulloch, Cone of Greene, Head, Hines, King, Knight, Lawson of Houston, Long, McCrimmon, McDonald, Miller, Moore of Cobb, Moore of Lincoln, Murray, Patterson of Jefferson, Peeples, Ragan, Reddish, Robinson, Rudisill, Sapp, Screven, Spalding, Swinney, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Avery, Beall, Beasley, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Crowder, Cumming, Dixon, Dunnagan, Fambro, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hill, Howell, Jeter, Lott, Matthews, McGuire, McIntosh, McMillan, Moody, Moreland, Morris, Murphy, Nichols, Patterson of Gilmer, Paulk, Pharr, Ponder, Poole, Pope, Renfroe, Riley, Shropshire, Simms, Scott, Strickland, Studstill, Sumner, Turner, Wales, Ware, Vellborn, Whitaker and White.

So the motion was lost.

Pending the further consideration of the report of the committee, on motion of Mr. Long, the Senate adjourned till six o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the unfinished business of the morning, which was the consideration of the report of the committee of the Whole on the bill to amend the act incorporating the Georgia Military Institute.

Mr. Hardeman moved that the blank be filled with "twenty thousand dollars."

Mr. Peeples moved to lay the substitute on the table, which was lost.

The question recurred upon the motion of Mr. Hardeman, when the same was disagreed to.

Mr. Nichols moved to fill the blank with the sum of 'nineteen thousand dollars,' which was lost.

Mr. Hardeman moved to fill the blank with 'fifteen thousand dollars,' which was lost.

Mr. Swinney moved to fill the blank with 'ten thousand dollars,' which was lost.

Mr. Dunnagan moved to fill the blank with 'eight thousand dollars;' which was lost.

Mr. Hill moved to postpone the original and substitute until the 1st of September next.

Mr. Spalding moved to divide the question, and take the vote upon the substitute, which was agreed to, and the motion to postpone the same was agreed to.

The question recurred upon postponing the original until the 1st of September; whereupon the yeas and nays were required to be recorded, and are yeas 40, nays 56.

Those voting in the affirmative are Messrs. Allred, Ashe, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Carlton, Chastain, Cumming, Dunnagan, Fambro, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Hardeman, Hays, Hill, Jamison, Jeter, Maddux, McIntosh, McMillan, Moreland, Ponder, Poole, Renfroe, Riley, Shropshire, Simms, Scott, Studstill, Sumner, Swinney, Turner, Wales, Ware and White.

Those voting in the negative are Messrs. Atkinson, Avery, Baxter, Beall, Beasely, Billups, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Causey, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Harris of Taliaferro, Harris of Worth, Head, Hines, Howell, King, Knight, Lawson of Houston, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, Miller, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Pope, Ragan, Reddish, Robinson, Rudisill, Screven, Spalding, Strickland, Wellborn, Whitaker, Wingfield and Wynn.

So the motion did not prevail.

Mr. Welborn moved to re-commit the third section of the bill, whereupon the yeas and nays were required to be recorded and are yeas 55, nays 37.

Those voting in the affirmative are Messrs. Allred, Atkinson, Baxter, Beasely, Bloodworth, Brown of Baldwin, Buchanan, Calhoun, Camden, Cannon, Cantrell, Causey, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Harris

of Taliaferro, Harris of Worth, Hines, Howell, King, Knight, Lawson of Houston, Long, Lott, McCrimmon, McDonald, McGuire, McMillan, Miller, Moody, Moore of Cobb, Morris, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peoples, Pharr, Pope, Ragan, Reddish, Robinson, Rudisill, Sapp, Screven, Spalding, Strickland, Studstill, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Ashe, Avery, Beall, Billups, Brown of Calhoun, Carlton, Chastain, Colbert, Cumming, Dixon, Dunnagan, Fambro, Gibson, Gordon, Guerry, Hale, Hamilton, Hardeman, Hays, Hill, Jamison, Jeter, Maddux, McIntosh, Moore of Lincoln, Moreland, Paulk, Ponder, Poole, Renfroe, Riley, Shropshire, Simms, Sumner, Swinney and Turner.

So the motion to re-commit the 3d section prevailed.

Mr. Hardeman from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate an act to change the time of holding the Superior Courts of the county of Newton, and to allow two weeks for holding the same, and for other purposes therein specified.

They report also as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, an act to authorise the selection and permanent location of a county site in the county of Wayne, and to authorise the building of a new Court House, and the levying of an extra tax, and for other purposes therein specified.

Also, an act to incorporate and establish a Medical College in the city of Savannah, to be called the Oglethorpe Medical College.

Also, an act amendatory of the several acts incorporating the city of Rome in this State.

Mr. Carlton moved that the Senate adjourn till ten o'clock to-morrow morning; whereupon the yeas and nays were required to be recorded and are yeas 59, nays 29.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Beall, Beasley, Billups, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Cannon, Carlton, Chastain, Coffee, Crowder, Dixon, Dunnagan, Fambro, Gray, Gordon, Guerry, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hines, Howell, Jamison, Jeter, King, Long, Matthews, McGuire, McIntosh, McMillan, Moore of Cobb, Moore of Lincoln, Moreland, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Pope, Renfroe, Robinson, Rudisill, Simms, Scott, Studstill, Sumner, Wales, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

Those voting negative are Messrs. Allred, Baxter, Bloodworth, Calhoun, Camden, Cantrell, Causey, Colbert, Cone of

Bulloch, Cone of Greene, Hale, Hamilton, Hill, Knight, Lawson of Houston, Maddux, McCrimmon, McDonald, Moody, Morris, Patterson of Jefferson, Paulk, Peeples, Reddish, Riley, Screven, Strickland, Swinney and Turner.

So the Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, JANUARY 23d, 1856.

The Senate met pursuant to adjournment.

Mr. Hardeman moved to reconsider so much of the Journal of yesterday as relates to the rejection of the substitute offered by him to the bill to amend the act incorporating the Georgia Military Institute, and to appropriate money therefor; whereupon the yeas and nays were required to be recorded and are yeas 35, nays 55.

Those voting in the affirmative are Messrs. Ashe, Beasley, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Carlton, Causey, Coffee, Cone of Greene, Crowder, Cumming, Dunnagan, Dupree, Fambro, Gray, Gibson, Hardeman, Head, Jamison, Knight, Maddux, McMillan, Moody, Moore of Lincoln, Murphy, Ponder, Ragan, Reddish, Robinson, Shropshire, Simms and Strickland.

Those voting in the negative are Messrs. Allred, Atkinson, Avery, Baxter, Beall, Bloodworth, Cantrell, Chastain, Colbert, Dabney, Dixon, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Hines, Howell, Jeter, King, Lawson of Houston, Lott, Matthews, McCrimmon, McDonald, McGuire, McIntosh, Moore of Cobb, Moreland, Morris, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Poole, Pope, Renfroe, Riley, Rudisill, Screven, Spalding, Sumner, Swinney, Turner, Wales, Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion to reconsider did not prevail.

By unanimous consent the following bill was reported by Mr. Ware, to-wit :

A bill to incorporate Woodland Female College, located in the town of Cedar Town, Georgia, and to confer upon said corporation certain powers therein named; which was read the first time.

Mr. Wellborn moved to strike out the 3d section; which was agreed to.

Mr. Carlton moved to re-commit the whole bill, whereupon the yeas and nays were required to be recorded and are yeas 44, nays 44.

Those voting in the affirmative are Messrs. Ashe,

Beall, Beasely, Billups, Bloodworth, Brown of Gwinnett, Camden, Cannon, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dixon, Dupree, Fambro, Gray, Gibson, Guerry, Hardeman, Harris of Talliaferro, Hays, Head, Howell, Lawson of Houston, Matthews, McIntosh, McMillan, Moody, Moore of Lincoln, Moreland, Murphy, Ponder, Ragan, Riley, Robinson, Sapp, Shropshire, Strickland, Turner, Wales and Whitaker.

Those voting in the negative are Messrs. Allred, Atkinson, Baxter, Brown of Baldwin, Buchanan, Calhoun, Cantrell, Causey, Colbert, Cone of Bulloch, Dabney, Dunnagan, Gordon, Hale, Hamilton, Harris of Worth, Hill, Hines, Jamison, King, Knight, Lott, McCrimmon, McDonald, McGuire, Miller, Moore of Cobb, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Poole, Pope, Renfroe, Rudisill, Screven, Spalding, Sumner, Swinney, Wellborn and White.

There being a tie, the President voted in the affirmative and the bill was re-committed.

The bill was taken up by sections.

Mr. Camden moved to strike out the 3d section; whereupon the yeas and nays were required to be recorded and are yeas 57, nays 33.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Beall, Beasely, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Calhoun, Camden, Cannon, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Cumming, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Hill, Howell, Jamison, Jeter, Maddux, McMillan, Moody, Moore of Lincoln, Moreland, Paulk, Ponder, Poole, Ragan, Renfroe, Riley, Robinson, Shropshire, Simms, Scott, Strickland, Sumner, Swinney, Turner, Wales, Ware and White.

Those voting in the negative are Messrs. Atkinson, Baxter, Brown of Baldwin, Buchanan, Cantrell, Causey, Dabney, Harris of Worth, Hines, King, Knight, Lawson of Houston, McCrimmon, McDonald, McGuire, Miller, Moore of Cobb, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pharr, Pope, Reddish, Rudisill, Sapp, Screven, Spalding, Wellborn, Whitaker, Wingfield and Wynn.

So the motion to strike out prevailed.

Mr. Cone of Greene moved to amend the second section by striking out the words 'that upon the transfer aforesaid,' and the words 'his Excellency the Governor,' and also all after the words 'permanent footing,' which was agreed to.

Mr. Camden moved to strike out the words 'twenty-five thousand;' whereupon the yeas and nays were required to be recorded and are yeas 60, nays 33.

Those voting in the affirmative are Messrs. Allred, Ashe,

Avery, Beall, Beasely, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Hays, Hill, Jamison, Jeter, Maddux, McIntosh, McMillan, Moore of Lincoln, Moreland, Patterson of Gilmer, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Renfroe, Riley, Robinson, Sapp, Shropshire, Simms, Scott, Sumner, Swinney, Turner, Wales, Ware, Welborn, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Baxter, Brown of Baldwin, Buchanan, Calhoun, Cone of Bulloch, Cone of Greene, Dabney, Hardeman, Harris of Worth, Head, Howell, King, Knight, Lawson of Houston, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, Miller, Moody, Moore of Cobb, Murray, Nichols, Patterson of Jefferson, Ragan, Screven, Spalding, Strickland, Wingfield and Wynn.

So the motion to strike out the words 'twenty-five thousand' prevailed.

Mr. Nichols moved to insert the words 'twenty thousand;' whereupon the yeas and nays were required to be recorded and are yeas 39, nays 55.

Those voting in the affirmative are Messrs. Baxter, Brown of Baldwin, Buchanan, Calhoun, Cannon, Causey, Coffee, Cone of Greene, Dabney, Hardeman, Harris of Taliaferro, Harris of Worth, Head, Hines, Howell, King, Knight, Lawson of Houston, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, Miller, Moody, Moore of Cobb, Murray, Nichols, Patterson of Jefferson, Poole, Ragan, Reddish, Robinson, Sapp, Screven, Spalding, Strickland and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Beall, Beasely, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cantrell, Carlton, Chastain, Colbert, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Hays, Hill, Jamison, Jeter, Maddux, McIntosh, McMillan, Moore of Lincoln, Moreland, Morris, Patterson of Gilmer, Paulk, Peeples, Ponder, Pope, Renfroe, Riley, Rudisill, Shropshire, Simms, Scott, Sumner, Swinney, Turner, Wales, Ware, Wellborn, Whitaker and White.

So the motion was lost.

Mr. Jeter moved to lay the bill and amendments upon the table; whereupon the yeas and nays were required to be recorded and are yeas 49, nays 47.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Beall, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Gordon, Guerry, Hale, Ham-

son, Harris of Taliaferro, Hays, Hill, Howell, Jamison, Jer-r, Maddux, McIntosh, Moore of Lincoln, Moreland, Ponder, oole, Pope, Rentroe, Riley, Shropshire, Simms, Scott, umner, Swinney, Turner, Wales, Ware, and White.

Those voting in the negative are Messrs. Atkinson, Baxter, easely, Brown of Bald'n, Buchanan, Calhoun, Cannon, Can-ell, Causey, Dabney, Gibson, Hardeman, Harris of Worth, ead, Hines, King, Knight, Lawson of Houston, Long, ott, Matthews, McCrimmon, McDonald, McGuire, McMil-n, Miller, Moody, Moore of Cobb, Morris, Murray, Nich-s, Patterson of Gilmer, Patterson of Jefferson, Paulk, eeples, Ragan, Reddish, Robinson, Rudisill, Sapp, Scre-n, Spalding, Strickland, Wellborn, Whitaker, Wingfield id Wynn.

So the motion to lay on the table prevailed.

The Senate took up the special order of the day, which as the consideration of the report of the committee of the hole on a bill to regulate the interest on money loaned in is State, and provide for the collection of the same.

Mr. Miller moved to refer the same to the Judiciary Com- ittee; which motion was lost.

Mr. Dabney moved to amend by striking out all after the acting clause, and insert the following in lieu thereof:

A bill to be entitled an act to amend an act entitled an t to alter the law in relation to interest on money, approved ec. 17th, 1845.

Section 1st. *Be it enacted by the Senate and House of Rep- sentatives of the State of Georgia in General Assembly met, id it is hereby enacted by the authority of the same, That all ontracts, bonds, notes and assurances whatsoever, made af- r the passage of this act, by or with any person or persons xcept an incorporated bank and other artificial person or ersons for the payment of any money, goods, wares or erchandise, or other commodities whatsoever, shall bear interest at and after the rate of seven per centum per an- um, Provided, There shall be no contract or agreement of ie parties thereto otherwise, as hereinafter provided for.*

Section 2d. *And be it further enacted by the authority afore- id, That it shall and may be lawful for the parties to any ontract or contracts, bond or bonds, note or notes, and any ther assurance and assurances whatsoever, made after the assage of this act, except as excepted in the preceding sec- on of this act, to stipulate and agree upon the rate of in- erest which the same shall bear, which said agreed or stip- lated rate of interest shall be recoverable in any Court of aw or Equity in this State, Provided, That the rate per ent of interest agreed upon shall be incorporated in the aid contract or contracts, bond or bonds, note or notes, and ssurance or assurances.*

Section 3d. *And be it further enacted by the authority afore-*

said, That any judgment hereafter rendered in any Court in this State, upon any contract or contracts, bond or bonds, note or notes, assurance or assurances, made and entered into after the passage of this act, wherein an agreed rate of interest exceeding the rate of seven per centum per annum shall be incorporated and contained, shall bear interest (so far as regards the principal debt,) at the rate of seven per centum per annum.

Section 4th. *And be it further enacted by the authority aforesaid*, That nothing in this act contained shall be so construed as to apply to or affect any contract or contracts, bond or bonds, note or notes, assurance or assurances, hereinafter made by or with any incorporated bank or other artificial person or persons, but the same shall continue, and remain subject to the operation and disabilities of the laws now in force in this State.

Mr. Miller moved to amend by adding the following as an additional section to-wit :

And be it further enacted, That where more than ten per cent is paid or agreed to be paid, the note or other contract shall be absolutely null or void.

Mr. Pope moved to lay the original and substitute on the table the balance of the session. Whereupon the yeas and nays were required to be recorded and are yeas 60, nays 32.

Those voting in the affirmative are Messrs. Allied, Ashe, Atkinson, Avery, Baxter, Beall, Billups, Brown of Baldwin, Brown of Gwinnett, Calhoun, Camden, Causey, Chastain, Coffee, Colbert, Cumming, Dixon, Dunnagan, Dupree, Gray, Hale, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hill, Hines, Howell, Knight, Lawson of Houston, Long, Lott, Maddux, McCrimmon, McIntosh, McMillan, Miller, Moody, Morris, Murray, Nichols, Patterson of Gilmer, Paulk, Peeples, Pharr, Poole, Pope, Ragau, Riley, Robinson, Rudisill, Sapp, Simms, Scott, Sumner, Swinney, Turner, Wellborn, White and Wynn.

Those voting in the negative are Messrs. Beasley, Bloodworth, Brown of Calhoun, Buchanan, Cannon, Cantrel, Carlton, Cone of Greene, Crowder, Dabney, Fambro, Gilson, Gordon, Hamilton, Jamison, King, Matthews, McDorland, McGuire, Moore of Cobb, Moreland, Murphy, Patterson of Jefferson, Ponder, Reddish, Renfro, Shropshire, Scriven, Strickland, Wales, Ware and Whitaker.

So the motion prevailed.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the special order of the day, which was the consideration of the

report of the committee of the Whole, on a bill to be entitled an act to lay out a new county out of the counties of Polk and Carroll, and to organise the same.

On motion of Mr. Bloodworth, the 1st section was amended by striking out the words 'four hundred and thirty-two' and inserting the words 'four hundred and eighty-two.'

Mr. Cone of Greene moved to amend the 2d section by inserting after the words 'Treasurer for said county,' the following 'the Ordinary to hold his office until the first Monday in January, 1860; Justices of the Inferior Court until 1st Monday of January 1857; Clerk Superior and Inferior Court, Sheriff and Coroner till the 1st Monday in January, 1858, Tax Collector, Receiver, and Receiver of Tax Returns, until the first Monday in January, 1857, and until their successors are qualified. The same was agreed to.

On motion of Mr. Peeples, the same was further amended by adding the following as an additional section:

And be it further enacted, That the officers elected shall be qualified and sworn into office by any Justice of the Peace who shall be in office within the limits of said new county. The report of the committee as amended was agreed to; the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 54, nays 36.

Those voting in the affirmative are Messrs. Allred, Ashe, Atkinson, Beall, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dupree, Gibson, Gordon, Guerry, Hale, Harris of Taliaferro, Harris of Worth, Hays, Head, Hines, Howell, Jamison, Knight, Lott, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Morris, Murphy, Murray, Patterson of Gilmer, Peeples, Poole, Ragan, Renfro, Sapp, Shropshire, Strickland, Sumner, Swinney, Turner, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Avery, Baxter, Beasely, Billups, Brown of Gwinnett, Camden, Causey, Cumming, Dunnagan, Fambro, Gray, Hamilton, Harde-man, Hill, Jeter, King, Landrum, Lawson of Houston, Maddux, Marshall, Matthews, McCrimmon, McIntosh, Moreland, Patterson of Jefferson, Paulk, Pharr, Pope, Reddish, Riley, Robinson, Simms, Wales and Wynn.

So the bill was passed.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary:

Mr. President: I am instructed by the Governor to transmit to the Senate a communication in writing with accompanying documents:

EXECUTIVE DEPARTMENT, }
 MILLEDGEVILLE, GA., January 23d, 1856. }

To the Senate and House of Representatives :

I have the honor herewith, to transmit to the General Assembly, the Fourth Annual Report of the Georgia Academy for the Blind.

HERSCHEL V. JOHNSON.

Mr. Cone, from the select committee on the Atlanta and other banks, laid upon the table a majority report.

Mr. Calhoun presented a minority report from the same committee, and on motion the same were laid on the table.

On motion of Mr. Cone of Greene, the following resolution was taken up, to-wit :

Resolved, That his Excellency the Governor be requested to transmit to the Senate all the returns made by the Planter's and Mechanic's Bank of Dalton to the Executive Department, and also the Cherokee Insurance and Banking Company.

On motion of Mr. Welborn, the same was amended by adding the following, to-wit :

That his Excellency the Governor be requested to transmit to the Senate the last returns of all the chartered banks of the State.

On motion of Mr. Atkinson, the same was further amended by inserting the following :

That the Governor transmit to the Senate the returns of the Bank of St. Mary's for the last five years. The resolution as amended was then agreed to.

On motion of Mr. Moore of Lincoln, the following resolution was taken up, read and agreed to.

Resolved, That his Excellency the Governor be requested to lay before the Senate copies of all reports and communications made to the Executive department since the adjournment of the last General Assembly, relative to the Institute for the Blind located in Macon.

The following message was received from the House of Representatives, by Mr. Hunt, their Clerk, pro tem. to-wit :

Mr. President :—The House of Representatives have agreed to a Joint Resolution in relation to the death of the late Hon. John McPherson Berrien, and I have been instructed to report the same forthwith to the Senate.

On motion of Mr. Scriven, the Senate took up the message from the House of Representatives, containing the following resolutions in relation to the death of the Hon. John McPherson Berrien :

“Whereas, in the death of the Hon. John McPherson Berrien, Georgia has sustained a loss of no ordinary magnitude; the loss of one of her most gifted sons; one eminent alike for all the graces that adorn private worth, and the ex-

cellencies that exalt public station, and of whose distinguished services during half a century, every Georgian may justly feel proud. It is meet that we should make some record of the deep sense we entertain of this touching bereavement. Be it therefore

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That we have heard with the deepest regret of the death of the Hon. John McPherson Berrien, whose talents while living, reflected honor on his State and country, and the memory of whose services, now dead, will be traced in one of the brightest pages of their history.

Resolved, That while the pre-eminent public services of the deceased, his career at the bar, on the bench, in the Cabinet and the Senate, have given a lustre to his name too well earned and wide-spread to be confined within the limits of this State, Georgia mourns the loss of her illustrious son with a sadness which is peculiarly her own.

Resolved, That his Excellency the Governor be requested to forward a copy of these proceedings to the family of the deceased.

On motion of Mr. Scriven, the same were taken up and unanimously agreed to.

Mr. Hill moved that in respect for the memory of the late Hon. John Macpherson Berrien, the Senate adjourn till 10 o'clock to-morrow morning; which was agreed to.

THURSDAY, JANUARY 24th, 1856.

The Senate met pursuant to adjournment

Mr. Strickland moved to reconsider so much of the Journal of yesterday, as related to the indefinite postponement of the bill to amend the act incorporating the Georgia Military Institute, and to appropriate money therefor.

Whereupon the yeas and nays were required to be recorded and are yeas 59, nays 31.

Those voting in the affirmative are Messrs. Atkinson, Baxter, Beasley, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Causey, Coffee, Cone of Greene, Crowder, Cumming, Dabney, Gibson, Guerry, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hines, Howell, King, Knight, Lawson of Houston, Lawton, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pharr, Ponder, Pope, Ragan, Reddish, Rudisill,

Sapp, Shropshire, Screven, Spalding, Strickland, Swinney, Wales, Wellborn, Whitaker and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Beall, Brown of Calhoun, Brown of Gwinnett, Camden, Carlton, Colbert, Dixon, Dunnagan, Dupree, Fambro, Gray, Griffin, Gordon, Hale, Hamilton, Hill, Jeter, Maddux, McIntosh, Moore of Lincoln, Poole, Renfroe, Riley, Simms, Scott, Studstill, Sumner, Turner and White.

So the motion to reconsider prevailed.

Mr. Shropshire moved to reconsider so much of the Journal of yesterday as relates to the rejection of the bill, regulating the interest on money in this State. The motion was lost.

Mr. Wales moved to reconsider so much of the Journal of yesterday as relates to the passage of a bill organizing a new county out of the counties of Carroll and Polk.

Whereupon the yeas and nays were required to be recorded, and yeas 31, nays 58.

Those voting in the affirmative are Messrs. Allred, Bilups, Brown of Gwinnett, Camden, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Hamilton, Hardeman, Harris of Worth, Hines, Howell, Jeter, King, Maddux, Marshall, Matthews, Moore of Lincoln, Pharr, Reddish, Riley, Rudisill, Simms, Scott, Spalding, Studstill and Wales.

Those voting in the negative are Messrs. Ashe, Atkinson, Avery, Baxter, Beall, Beasley, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Gibson, Gordon, Guerry, Hale, Harris of Taliaferro, Hays, Jamison, Knight, Landrum, Lawson of Houston, Lawton, Long, Lott, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Ponder, Poole, Ragan, Renfroe, Robinson, Sapp, Shropshire, Strickland, Sumner, Swinney, Ware, Wellborn, Whitaker, White and Wynn.

So the motion was lost.

Mr. Cantrell moved to suspend the rules, for the purpose of taking up the reconsidered bill to organize a new county out of the counties of Lumpkin and Gilmer, which was lost.

On motion of Mr. Strickland the reconsidered bill to appropriate money to the Georgia Military Institute was referred to a select committee.

The committee appointed by the Chair were Messrs. Strickland, Hardeman, Peeples, Buchanan and Pope.

On motion of Mr. Moore the report of the Blind Asylum was taken up and referred to the Committee on the Blind.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to repeal an act to amend the patrol laws of this State, approved February 20th, 1854. so far as relates to the county of Liberty.

A bill to be entitled an act to make Water R. Youlls formerly Walter R. Highsmith, son of Walter Youlles of the county of Wayne, the lawful heir of the said Walter Youlles of said county of Wayne.

A bill to be entitled an act for the relief of Wilson L. Owen of Upson county.

They have also agreed to a joint resolution in relation to an act of Congress requiring Steamboats on all rivers to provide themselves with life preservers, requesting our Senators and Representatives in Congress to use their exertions to procure the repeal of said law, so far as it relates to the Savannah river.

The Senate took up the special order of the day, which was the consideration of the report of the Committee of the Whole on a bill to authorize the issuing of Attachments and Garnishment, and to regulate proceedings in relation to the same, and for other purposes therein mentioned.

On motion of Mr. Cone of Greene the first section was amended by adding the following, to-wit : 6th. When he is causing his property to be removed beyond the limits of this State."

On motion of Mr. Murphy, the first section was further amended by inserting in the second item after the word "removing" the words "or about to remove."

Mr. Baxter moved to lay the bill and amendments on the table for the balance of the session ; which motion was lost.

Mr. Dabney moved to amend the 3d section, by inserting the following : "In the event it shall be made appear that the Plaintiff sued out his Attachment through malice, which motion was lost.

Mr. Peebles moved to amend the 3d section by adding the following, to-wit :

"In ascertaining the measure of damages in all such cases the Jury shall take into consideration the motive with which the Attachment was sued out ; which was lost.

Mr. Peebles moved to amend the 4th section, by inserting after the word 'bond' the words 'by their joint, several and co-partnership name,' which was lost.

Mr. Cone moved to amend the fifth section of the bill by inserting after the word 'magistrate,' the words, 'notary public,' and to insert said words wherever they are applicable ; which was agreed to.

Mr. McMillan moved to amend the 17th section by inserting after the word 'hands,' the words, 'or had at the time of the service of said Garnishment ; which was agreed to.

On motion, the 23d section was amended¹ by inserting after the word 'issue,' the words, 'and be levied.'

On motion of Mr. Peeples the 11th section was amended by inserting after the words 'in said case' the following, to-wit: 'In case the property levied upon shall be equal to, or exceed the amount of the debt sworn to be due; and in double the amount of the debt claimed to be due where the property shall exceed the value the debt, claimed to be due.'

On motion of Mr. Miller the following was added as an additional section:

"Where a person who has been defendant in Attachment, desires to sue the plaintiff in attachment to recover damages, and the plaintiff shall not reside in this State, it shall be sufficient to serve a copy of the petition and process on the security to the bond given by the plaintiff.

Mr. Calhoun moved to amend by adding the following as an additional section, to-wit:

And be it further enacted, That plaintiffs in attachment shall have the right to amend his affidavit, attachment, bond or declarations, as in other cases at common law, and that the levying officer of the same shall have the right to amend his return by supplying any omissions or errors and the Court before which the attachment shall be returned, shall have power to order or allow said amendments; which was agreed to.

On motion of Mr. Miller, the 53d section was amended by adding the following, to-wit: Except where they relate to Courts constituted in any city or town.

Mr. Miller moved to amend the 11th section by striking out the same, and inserting the following in lieu thereof, And all goods, chattels, lands and tenements, subject to such attachments, shall be repleviable by appearance and putting in special bail or by the defendants giving bond with good and sufficient security to the Sheriff or other officer serving the same, which bond, he is hereby empowered to take, compelling defendants to appear at the Court, to which such attachments shall be returnable and to abide by and perform the order and judgment of such Court; which motion was lost.

The report of the committee as amended was then agreed to, the bill was read the third time and passed under the title thereof.

On motion of Mr. Carlton the Senate adjourned till: o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion a call of the Senate was made, when the following Senators appeared and answered to their names:

Messrs. Atkinson, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Colbert, Cone of Greene, Crowder, Dixon, Fambro, Gray, Gordon, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hill, Hines, Howell, Jamison, King, Landrum, Long, Lott, Marshall, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moore of Cobb, Moore of Lincoln, Paulk, Peeples, Pharr, Ponder, Poole, Reddish, Renfro, Riley, Spalding, Studstill, Swinney, Turner, Welborn, Whitaker, White and Wynn.

There being a quorum, the Senate took up the special order of the day, which was the consideration of the report of the Committee of the Whole on a bill to create a new Judicial Circuit and to provide for the appointment and election of a Judge and Solicitor for the same.

Dr. Screven presented certain petitions from the citizens of Wayne county against the creation of the new Circuit.

Mr. Long presented petitions from Glynn in favor of the new Circuit.

On motion of Mr. Atkinson the bill was amended by striking out the 2nd section and inserting the following in lieu thereof, to-wit :

“The Governor shall appoint the Judge for said Circuit from any Judicial Circuit in this State ; to hold his office until his successor in office is elected and qualified ; which election shall take place on the first Monday in October, 1857, and the first Monday in October every fourth year thereafter, *Provided*, the appointee shall reside in the District after his appointment.

Mr. Screven moved to strike out the 1st section, the words, Camden, Glynn and Wayne, which was lost.

On motion of Mr. Lawton the following was added as an additional section, to-wit :

Sec. 6th. That the counties of Tatnall and Montgomery of the Middle Circuit be, and they are hereby added to the Eastern Judicial District.

The report of the committee as amended was agreed to, the bill was read the third time and upon the passage of the bill the yeas and nays were required to be recorded, and are yeas 68, nays 17.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Baxter, Beall, Beasley, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Calhoun, Camden, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Gray, Gibson, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Head, Hill, Howell, Jamison, King, Knight, Landrum, Lawton, Long, Lott, Matthews, McDonald, McIntosh, McMillan, Moody, Moore

of Cobb, Morris, Nichols, Patterson of Gilmer, Paulk, Peeples, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Riley, Rudisill, Sapp, Strickland, Studstill, Turner, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Buchanan, Cannon, Causey, Colbert, Dunnagan, Dupree, Fambro, Griffin, Maddux, McCrimmon, Shropshire, Simms, Screven, Spalding, Sumner and Wynn.

So the bill was passed.

The Senate took up the special order of the day, which was the consideration of the report of the Committee of the Whole on a bill to create Pataula Circuit.

Mr. Peeples moved to amend by striking out all after the enacting clause and inserting an amendment proposed by the select committee on New Judicial Circuits.

On motion of Mr. Rudisill the 'county of Washington' was struck out.

Mr. Fambro moved to strike out the county of Newton from the Western Circuit and attach it to the Flint Circuit; pending which Mr. Peeples moved to lay the amendment proposed by the Committee, on the table for the present, which was agreed to.

Mr. Guerrey moved to amend by striking out the word 'Calhoun' and insert 'Chattahoochie,' which was agreed to.

On motion of Mr. Lawton the same was further amended by inserting the following as an additional section. to-wit:

And be it further enacted, That the people of said District who are entitled to vote for members of the legislature shall proceed to elect a Judge of the Superior Courts for said District, and a Solicitor General for the same, on the 1st Monday in April next, under the same rules and regulations as are now provided by law for the election of such officers in the other Judicial districts of this State, and they shall hold their offices from their qualification, and for three years after the 1st Monday in October next. and until their successors are elected and qualified.

The report of the committee as amended was agreed to, the bill was read the third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 60, nays 28.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Baxter, Beall, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cantrell, Carlton, Coffee, Cone of Greene, Crowder, Cumming, Dabney, Gibson, Gordon, Guerrey, Harris of Taliaferro, Harris of Worth, Hays, Head, Hill, Jamison, Jeter, King, Knight, Landrum, Lawton, Long, Lott, Marshall, Matthews, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Nichols, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Renfroe, Riley, Rudisill, Sapp, Scott, Screven, Spalding, Sumner,

winney, Wales, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Beasley, Camden, Cannon, Causey, Chastain, Colbert, Dunnagan, Hambro, Gray, Griffin, Hale, Hamilton, Hardeman, Howell, Maddux, McCrimmon, Moore of Lincoln, Morris, Patterson of Gilmer, Patterson of Jefferson, Paulk, Reddish, Robinson, Shropshire, Strickland, Studstill, Turner and Wynn.

So the bill was passed.

On motion of Mr. Pope the Senate took up the following bill, to-wit :

A bill to organize a Court of Common Pleas in the city of Augusta ; which was read a second time and committed.

On motion of Mr. McMillan the Senate took up the following bill, to-wit :

A bill to lay out a Judicial Circuit to be called the North Eastern Circuit; which was read a second time.

Mr. Carlton moved that the Senate adjourn till 10 o'clock to-morrow morning, whereupon the yeas and nays were required to be recorded, and are yeas 42, nays 35.

Those voting in the affirmative are Messrs. Ashe, Avery, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cancell, Carlton, Chastain, Coffee, Crowder, Cumming, Dunnagan, Dupree, Hambro, Gordon, Griffin, Harris of Taliaferro, Harris of Worth, Hill, Howell, Jamison, King, Lanrum, Lawton, Long, Lott, Matthews, McIntosh, Moore of Cobb, Moore of Lincoln, Nichols, Patterson of Gilmer, Ponder, Poole, Pope, Ragan, Robinson, Sapp, Studstill, Sumner, White and Wynn.

Those voting in the negative are Messrs. Atkinson, Bloodworth, Camden, Causey, Colbert, Cone of Greene, Habney, Gibson, Hamilton, Knight, Marshall, McCrimmon, McDonald, McGuire, McMillan, Moody, Morris, Patterson of Jefferson, Peeples, Pharr, Reddish, Renfroe, Riley, Rudisill, Shropshire, Scott, Screven, Spalding, Strickland, Swinney, Turner, Wales, Ware, Wellborn and Whitaker.

So the motion to adjourn till 10 o'clock to-morrow morning prevailed.

The Senate then adjourned until 10 o'clock to-morrow morning.

FRIDAY, JANUARY 25th, 1856.

The Senate met pursuant to adjournment, and on motion a call was made when the following Senators appeared, and answered to their names :

Messrs. Allred, Ashe, Avery, Beall, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Causey, Chastain. Coffee, Colbert, Cone of Greene, Cumming, Dixon, Dunnagan, Gibson, Gordon, Hale, Hamilton, Hardeman, Harris of Taliaferro, Head, Hill, Landrum, Lawson of Houston, Long, Lott, Maddux, Marshall, McCrimmon, McIntosh, Miller, Moody, Moore of Cobb, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Renfro, Rudsill, Simms, Scott, Screven, Spalding, Sumner, Turner, Wales, Whitaker, White, Wingfield and Wynn.

Mr. Bloodworth reported a bill to lay out and organize a new Judicial Circuit out of the counties of Heard, Coweta, Campbell, Carroll, Haralson, Paulding and Polk, and for other purposes therein named; which was read the first time.

Mr. Brown reported a bill to change the line between Randolph and Calhoun county; which was read the first time.

Also, a bill to incorporate the town of Morgan in Calhoun county and appoint Commissioners for the same; which was read the first time.

Mr. Chastain reported a bill to be entitled an act to authorize John A. Powell of the county of Fannin to practice medicine and surgery in all its branches upon the Alpathic or Mineral system in any of the counties in this State and charge and collect his fees for the same without obtaining a license therefor from the Medical Board of Physicians of the State of Georgia; which was read the first time.

Mr. Cumming reported a bill to regulate the costs of Clerk of Supreme Court to be prescribed by Judges of said Court, &c.; which was read the first time.

Mr. Gibson reported a bill for the relief the estate of P. T. Mahone, and for other purposes; which was read the first time.

Mr. Landrum reported a bill to authorize and require the Ordinary of Madison and the Ordinary of Putnam counties to pay Jasper N. Keay and Robert W. Milner for teaching poor children in said counties during the years 1851 and '54; which was read the first time.

Mr. Lawton reported a bill to authorize the investment of trust funds in certain cases; which was read the first time.

Mr. Marshall reported a bill to prescribe the order of descent and succession of the estates of illegitimate persons who die intestate; which was read the first time.

Mr. Jameson from the select committee to whom was referred the bill to lay out and form a new county from the county of Union, and provide for the organization of the same, have had the same under consideration, and beg

ve to report the same back to the Senate with amendments and recommend that it pass:

Mr. Morris reported a bill to alter and amend the sixth section of an act approved 11th February, 1854, entitled an act to incorporate the Dalton and Copper Mine Turnpike, Plank and Rail-road Company, and to allow the Company to build a Turnpike, Plank or Rail-road; which was read the first time.

Mr. Newton reported a bill to incorporate a Bank in the city of Savannah to be called 'The Timber Cutter's Bank,' and for other purposes; which was read the first time.

Mr. Hill reported a bill to authorize James O. Hunt of the county of Harris to practise medicine, charge and collect fees for the same; which was read the first time.

Mr. Harris of Worth reported a bill to alter the time of holding the Inferior Court of the county of Worth, &c.; which was read the first time.

Mr. Moore of Cobb reported a bill to protect property in the hands of innocent purchasers, &c.; which was read the first time.

Mr. Peeples reported a bill to more effectually provide for the payment of the teachers of poor children; which was read the first time.

Mr. Pope reported a bill to compensate the Sheriff and his deputies of the county of Wilkes for certain services there-named; which was read the first time.

Mr. Pope laid upon the table the following resolution, to wit:

Resolved by the Senate and House of Representatives, That the General Assembly shall stand adjourned, sine die, from Monday after the 25th day of February next.

Mr. Rudisill reported a bill authorizing Edmond M. Butler, guardian, to sell the land and negroes belonging to his ward Hannah Butler; which was read the first time.

Mr. Scott reported a bill for the relief of Andrew J. Hudson of Stewart county; which was read the first time.

Mr. Screven reported a bill to incorporate a town to be called 'Warsaw,' which was read the first time.

Also, a bill to extend the charter of the Savannah Institution for Savings; which was read the first time.

Also, a bill to exempt the active members of the Young America Fire Company from jury and militia duty; which was read the first time.

Also, a bill to point out the mode and manner of collecting Magistrates and Constables' fees, in the county of Chatham, and to amend an act to repeal an act to extend the civil jurisdiction of the Justices of the Peace, &c.; which was read the first time.

Mr. Poole reported a bill to authorize Asa Houston

Langston of Hart county to practice medicine and receive pay for the same; which was read the first time.

Mr. Ware reported a bill to lay out a new county out of the counties of Cass, Paulding, Floyd and Polk; which was read the first time.

Mr. Wingfield reported a bill to amend the law in relation to the taking of Bonds in the Courts of Ordinary; which was read the first time.

Also, a bill to prevent certain persons from conveyancing, which was read the first time.

Mr. White reported a bill to repeal an act defining the duty of the Inferior Courts in relation to building bridges, so far as relates to Jackson county; which was read the first time.

Mr. Fambro laid upon the table the following resolution, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That when any vacancy occurs, in any office now required by law to be filled by Executive appointment, that it shall be the duty of his Excellency the Governor to suspend filling said vacancy for ten days after notice of said vacancy occurring for the purpose of allowing all those who wish to engage in the 'wild hunt after office,' which characterizes the age, a chance to present their respective claims.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

*Mr. President :—*The House of Representatives have agreed to the amendments of the Senate to be entitled an act to lay out a new county out of the counties of Polk and Carroll, and to organize the same.

They have also concurred in the resolution of the Senate in reference to the Iron of the Western & Atlantic Railroad, and calling for a report from the Superintendent of said Road.

On motion of Mr. Wales the following bill was taken up, read a second time, and made the special order for Saturday, to-wit :

A bill to establish a Criminal Court in the city of Columbus.

Mr. Strickland presented a report from the select committee on the bill to appropriate money to the Georgia Military Institute, and on motion of Mr. Strickland the Senate took up the report of the Committee of the Whole on the bill to appropriate money to the Georgia Military Institute.

Mr. Strickland moved to strike out all after the enacting clause and insert the following bill, reported by the select committee, in lieu thereof :

A bill to be entitled an act to amend the act incorporating the Georgia Military Institute and to appropriate money for the same :

Sec. 1st. Be it enacted by the Senate and House of Represen-

ives of the State of Georgia in General Assembly met, and it hereby enacted by the authority of the same, That the sum fifteen thousand dollars, or as much thereof as may be necessary, which is hereby appropriated for that purpose shall be paid to the Superintendent of the Georgia Military Institute, one half in February, 1856, the other other half January, 1857, to be expended under the direction of his Excellency the Governor and such Board of Visitors as are hereinafter provided, in putting up and erecting additional buildings, purchasing apparatus, books and models, in discharging the debts due by the Trustees of said institution, and in such other manner as may be deemed best for the future welfare of said institution.

Sec. 2nd. That the Board of Visitors shall consist of his Excellency the Governor, and such other persons as he may appoint, not exceeding ten in number, any five of whom may constitute a quorum for the transaction of any business that may necessarily come before them in their capacities as visitors of said institution.

Sec. 3rd. That the said Superintendent shall give bond with sufficient security to be taken and judged of by his Excellency the Governor conditioned for the faithful keeping and expenditure of the money herein appropriated which shall first be expended in discharging incumbrances, debts and liabilities of said Institution. and for the erection of buildings suitable for the accommodation of the Cadets.

Sec. 4th. *And be it further enacted,* That in the event the Trustees of said Institution should sell or transfere the property of the same to be used for any other purpose than a Military Institute such as was contemplated by its founders, and is now in operation, the fund hereby appropriated shall with the interest thereon be forfeited to the State—and for the purpose of securing the ultimate recovery of said sum of money with its accruing interest, his Excellency the Governor shall, and is hereby authorized and required to take good bond security in the sum of thirty thousand dollars with not less than five good securities conditioned for the faithful repayment of the fund aforesaid upon the happening of the contingencies above specified before drawing his warrant upon the Treasury for said sum.

Sec. 5th. *And be it further enacted,* That before drawing warrant on the Treasury for that purpose, his Excellency shall either by himself or such competent council as he may select to examine into the title for said property before allowing any payment of the fund herein provided, and in case there is any defect in said titles, so as to embarrass the rights to the property the sum shall not be paid.

The motion to strike out prevailed.

Mr. Hill moved to postpone the same until Monday next, which was lost.

On motion of Mr. Carlton the bill was taken up by sections.

Mr. Carlton moved to strike out the words 'fifteen thousand,' whereupon the yeas and nays were required to be recorded and are yeas 40, nays 53.

Those voting in the affirmative are Messrs. Allred, Ash Avery, Beall, Billups, Bloodworth, Brown of Gwinne Camden, Carlton, Chastain, Colbert, Dixon, Dunnaga Fambro, Gray, Gibson, Gordon, Griffin, Guerry, Hal Hamilton, Hays, Hill, Howell, Jamison, Maddux, Marsha McIntosh, Moore of Lincoln, Moreland, Morris, Poole, Pop Renfroe, Shropshire, Simms, Scott, Sumner, Turner, Wales and Wellborn.

Those voting in the negative are Messrs. Atkinson, Baxter, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Cannon, Cantrell, Causey, Coffee, Cone of Greer Dabney, Grant, Hardeman, Harris of Worth, Head, Hines King, Knight, Landrum, Lawson of Houston, Long, Long Matthews, McCrimmon, McDonald, McGuire, McMillan Miller, Moody, Moore of Cobb, Murphy, Murray, Nicholas Patterson of Gilmer, Patterson of Jefferson, Paulk, Peoples Pharr, Ponder, Ragan, Reddish, Robinson, Rudisill, Sapp Screven, Spalding, Strickland, Swinney, Whitaker, Whitfield and Wynn.

So the motion to strike out was lost.

Mr. McMillan moved to amend the 1st section by striking out the words 'and pay the debts;' whereupon the yeas and nays were required to be recorded, and are yeas 44 nays 47.

Those voting in the affirmative are Messrs. Allred, Atkinson, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cantrell, Chastain, Coffee, Colbert Cone of Greene, Cumming, Dixon, Gibson, Gordon, Gray Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Hill, Howell, McMillan, Moore of Lincoln Moreland, Morris, Murphy, Patterson of Gilmer, Pope, Poppe, Renfroe, Sapp, Shropshire, Scott, Studstill, Sumner Turner, Wales, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Ashe, Ash Baxter, Beall, Brown of Baldwin, Buchanan, Calhoun Cannon, Carlton, Causey, Dunnagan, Fambro, Gray, Hardeman, Head, Hines, Jamison, King, Knight, Landrum Lawson of Houston, Long, Matthews, McCrimmon, McDonald, McGuire, McIntosh, Miller, Moody, Moore of Cobb Murray, Nichols, Patterson of Jefferson, Peoples, Pharr Ponder, Ragan, Reddish, Robinson, Rudisill, Simms, Spalding, Strickland, Swinney, Wingfield and Wynn.

So the motion to strike out was lost.

On motion of Mr. McMillan the 4th section was amended by adding the following, to-wit:

"And when said fund shall be accepted as aforesaid, this it shall and does hereby create and make a lien or statutory mortgage, upon the whole property of said institution for the same, in preference to all other liens and debts hereafter be contracted.

On motion of Mr. McMillan the fifth section was amended by striking out the word 'seriously.'

Mr. Carlton moved to amend by adding the following as an additional section, to-wit:

And be it further enacted. That the sum of six hundred dollars be, and the same is hereby appropriated to be paid to the Trustees of the Palmetto Academy in the county of Campbell, to enable said Trustees to pay for the erection of a suitable building, for the use of said Academy, said fund to be received and accounted for by said Trustees, and the same limitations and restrictions and in the same manner as the trustees of the Military Institute are bound to do by the preceding section of this bill.

Whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 79.

Those voting in the affirmative are Messrs. Allred, Ashe, Hlups, Brown of Gwinnett, Cantrell, Carlton, Dunnann, Fambro, Gray, Hill, Jamison, Maddux, Moore of Lincoln, Reddish, Simms and Scott.

Those voting in the negative are Messrs. Atkinson, Avery, Baxter, Beall, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Cannon, Causey, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dixon, Gibson, Gordon, Griffin, Guerry, Hale, Hammon, Hardeman, Harris of Taliaferro, Harris of Worth, Jones, Howell, King, Knight, Landrum, Lawson of Houston, Lawton, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moody, Moore of Cobb, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peoples, Pharr, Ponder, Poole, Pope, Ragan, Renfroe, Robinson, Rudisill, Sapp, Shropshire, Screven, Spalding, Strickland, Studstill, Swinney, Turner, Wales, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion was lost.

Mr. Carlton moved to amend by adding the following as an additional section, to-wit:

And be it further enacted, That the above appropriation be funded to the State of Georgia by said Trustees of the said Military Institute in the following manner, to-wit: two thousand dollars each and every year with interest on the same, the first payment to be paid on the 1st day of January, 1857, and each and every year thereafter until the said debt shall be paid off.

Whereupon the yeas and nays were required to be recorded, and are yeas 28, nays 65.

Those voting in the affirmative are Messrs. Allied, Ashe, Beall, Billups, Brown of Gwinnett, Carlton, Chastain, Colbert, Dixon, Dunnagan, Fambro, Gray, Hale, Hamilton, Harris of Worth, Hill, Jamison, Landrum, Maddux, Marshall, Moore of Lincoln, Moreland, Reddish, Shropshire, Simms, Studstill, Wales and Ware.

Those voting in the negative are Messrs. Atkinson, Avery, Baxter, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Cannon, Cantrell, Causey, Coffee, Cone of Greene, Dabney, Gibson, Gordon, Grant, Griffin, Guerry, Hardeman, Harris of Taliaferro, Head, Hines, Howell, King, Knight, Lawson of Houston, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Miller, Moody, Moore of Cobb, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Robinson, Rudisill, Sapp, Screven, Spalding, Strickland, Sumner, Swinney, Turner, Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion to amend was lost.

Mr. McMillan moved to amend by adding the following as an additional section. to-wit :

“That in consideration of the appropriation made by this act, each Congressional District in this State shall be entitled to have educated, and keep at all times in said Military Institute, (in addition to those non-provided by law,) two students free of any charge for their tuition or use of apparatus, rooms or buildings, to be so selected as that no county shall have more than one student until each county shall have one, provided said counties apply ; which motion was lost.

Mr. Brown of Calhoun moved to lay the report of the committee and amendments upon the table.

Whereupon the yeas and nays were required to be recorded, and are yeas 40, nays 55.

Those voting in the affirmative are Messrs. Allred, Beall, Billips, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Carlton, Chastain, Colbert, Dixon, Dunnagan, Fambro, Gray, Gordon, Griffin, Hale, Hamilton, Harris of Taliaferro, Hill, Howell, Jamison, Landrum, Maddux, McIntosh, Moore of Lincoln, Moreland, Poole, Pope, Rentfro, Shropshire, Simms, Scott, Studstill, Sumner, Swinney, Turner, Wales and Ware.

Those voting in the negative are Messrs. Atkinson, Baxter, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Causey, Coffee, Cone of Greene, Dabney, Gibson, Grant, Guerry, Hardeman, Harris of Worth, Head, Hines, King, Knight, Lawson of Houston, Lawton, Long, Lott,

Marshall, Matthews, McCrimmon, McDonald, McGuire, McMillan, Miller, Moody, Moore of Cobb, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Ragan, Reddish, Robinson, Rudisill, Sapp, Screven, Spalding, Strickland, Welborn, Whitaker, White, Wingfield and Wynn.

So the motion to lay upon the table was lost.

Mr. Murphy moved to amend the 3rd section by inserting the following:

And be it further enacted, That the money appropriated by this act shall be applied first to the erection of suitable buildings for the accommodation of as many Cadets as may apply, or as can be properly instructed at said institution; which motion was lost.

The motion to strike out all after the enacting clause of the original bill, and insert in lieu thereof the bill reported by the select committee, was agreed to.

The report of the Committee of the Whole as amended was agreed to, and upon the question Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 48, nays 46.

Those voting in the affirmative are Messrs. Atkinson, Avery, Baxter, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Causey, Coffee, Cone of Greene, Dabney, Hardeman, Head, Hines, King, Knight, Lawson of Houston, Lawton, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, McGuire, Miller, Moore of Cobb, Morris, Murray, Nichols, Patterson of Jefferson, Peeples, Pharr, Ponder, Ragan, Reddish, Robinson, Rudisill, Sapp, Screven, Spalding, Strickland, Swinney, Ware, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Beall, Billups, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Carlton, Chastain, Colbert, Cumming, Dixon, Dunnagan, Fambro, Gray, Gibson, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hill, Jamison, Landrum, Maddux, McIntosh, McMillan, Moody, Moore of Lincoln, Moreland, Murphy, Patterson of Gilmer, Paulk, Poole, Pope, Renfroe, Shropshire, Simms, Scott, Studstill, Sumner, Turner, Welborn and White.

So the bill was passed.

Mr. Hardeman from the Committee on Enrolment reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate: A bill to lay out and organize a new county from the counties of Polk and Carroll and to provide for the organization of the same.

Mr. Cone of Greene moved that a committee of three members of the Senate be appointed by the Chair to con-

fer with a similar committee to be appointed on the part of the House in relation to the disagreement of the two Houses upon the general appropriation bill ; which was agreed to.

The committee appointed by the Chair are Messrs. Cone of Greene, Dabney and Wingfield.

Mr. Peeples laid upon the table the following resolution, to-wit :

Resolved, That the following shall be a standing rule of the Senate : The yeas and nays shall not be required on any motion, unless the call for the same shall be seconded, in which event the name of the member who moves the call and the name of the member who seconded the same shall be entered on the Journals.

On motion, Messrs. Jeter, Riley and Moreland were granted leave of absence for a few days—the latter after Monday next.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Long the bill to incorporate the North Eastern Rail-road Company was postponed and made the special order for Thursday next.

On motion of Mr. Cone the bill to incorporate a Bank in the town of Athens was postponed and made the special order for Monday next.

On motion of Mr. Moore of Lincoln the bill for the sale of the Western & Atlantic Rail-road was postponed and made the special order for Thursday next.

On motion of Mr. Cone of Greene, the bill in relation to empanelling of Jurors be made the special order for Friday next.

The Senate took up the regular order of the day, which was the consideration of the report of the Committee of the Whole on a bill to repeal an act assented to February 20th, 1854, to settle and fix the hour of labor by all white persons under twenty-one years of age in all cotton, woolen and other manufacturing establishments in this State, and to make all contracts to labor in said factories for a greater length of time than therein prescribed null and void, and to punish violations of the same.

Mr. Screven moved to amend by striking out all after the enacting clause, and insert the following in lieu thereof, to-wit :

A bill to be entitled an act to settle the fix the hours of labor by all white persons under twenty-one years of age,

in all cotton, woolen and other manufacturing establishments in this State, and to make all contracts to labor in said factories for a greater length of time, than herein prescribed, null and void, and to punish violations of this act.

Sec. 1st. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the time of labor in cotton, woolen and other factories in this State of persons under sixteen years of age shall not exceed ten hours in any one day.

Sec. 2nd. And be it further enacted, That any adult person directly or indirectly concerned either as parent, guardian, or officer, or agent of any manufacturing establishment, in contract for labor that is prohibited by the preceding section, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding one hundred dollars, or be imprisoned in the common Jail not exceeding sixty days.

Sec. 3rd. And be it further enacted, That all laws and parts of laws militating against this law be, and the same are hereby repealed.

The motion to strike out and insert was agreed to.

Mr. Ware moved to amend by striking out 'ten' and inserting 'nine'; whereupon the yeas and nays were required to be recorded, and are yeas 21, nays 66.

Those voting in the affirmative are Messrs. Allred, Billups, Buchanan, Cumming, Griffin, Harris of Worth, Hays, Head, Hill, Landrum, Lawson of Houston, Lawton, McIntosh, Paulk, Poole, Ragan, Renfroe, Spalding, Swinney, Wellborn and Wingfield.

Those voting in the negative are Messrs. Ashe, Atkinson, Baxter, Beall, Beasely, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Calhoun, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dixon, Dunnagan, Fambro, Gordon, Grant, Griffin, Hale, Hamilton, Harris of Taliaferro, Hines, Jamison, King, Knight, Long, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pharr, Ponder, Reddish, Robinson, Rudisill, Sapp, Shropshire, Simms, Screven, Strickland, Studstill, Sumner, Turner, Wales, Whitaker, White and Wynn.

So the motion to strike out and amend was lost.

Mr. Ware moved to postpone the bill indefinitely, whereupon the yeas and nays were required to be recorded, and are yeas 29, nays 62.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Billups, Brown of Gwinnett, Buchanan, Chastain, Colbert, Griffin, Harris of Worth, Hays, Hill, Howell, Jam-

ison, King, Landrum, Lawton, Maddux, Paulk, Poole, Ragan, Reddish, Renfroe, Robinson, Sapp, Sumner, Swinney, Ware and Welborn.

Those voting in the negative are Messrs. Atkinson, Baxter, Beall, Beasley, Bloodworth, Brice, Brown of Baldwin, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Cone of Greene, Cumming, Dabney, Dunnagan, Fambro, Gray, Gibson, Gordon, Grant, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hines, Knight, Lawson of Houston, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Peeples, Pharr, Ponder, Rudisill, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Turner, Wales, Whitaker, White, Wingfield and Wynn.

So the motion to postpone indefinitely did not prevail.

Mr. McIntosh moved to amend the 1st section by inserting the following, to-wit: "And over sixteen and under twenty-one years of age shall not exceed twelve hours in any one day; which motion was lost.

Mr. Buchanan moved further to amend by adding the following as an additional section, to-wit:

And be it further enacted, That any adult person directly or indirectly concerned, either as parent, guardian, or officer, or agent of any manufacturing establishment, in any contract for labor that is prohibited by the preceding section shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding one hundred dollars, or be imprisoned in the common Jail not exceeding sixty days; the motion was agreed to.

Mr. Fambro moved to recommitt the bill; which was lost.

The report of the Committee of the Whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to repeal an act approved January 22d, 1852, entitled an act to repeal the 1st section of an act approved 19th December, 1849, entitled an act to repeal all laws respecting the importation of slaves into this State, and to give certain powers to municipal corporations in relation to slaves, and to amend the act hereby revived, and to revive and continue in force the said first section so repealed.

Mr. Long moved to refer the same to a select committee; which was lost.

Mr. Long moved that the Senate adjourn; which was lost.

The report of the committee was agreed to, the bill was read the third time and on the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 51, nays 38.

Those voting in the affirmative are Messrs. Atkinson,

Billups, Brice, Cannon, Cantrell, Carlton, Coffee, Cone of Greene, Cumming, Dunnagan, Fainbro, Gray, Gibson, Gordon, Griffin, Hale, Hamilton, Harris of Worth, Howell, Jamison, Knight, Lott, Maddux, McDonald, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray. Patterson of Gilmer, Poole, Ragan, Reddish, Renfroe, Sapp, Shropshire, Simms, Scott. Screven, Spalding, Swinney, Wales, Ware, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Baxter, Beall, Beasely, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Chastain, Colbert, Dixon, Grant, Harris of Taliaferro, Head, Hill, King, Lawton, Long, Marshall, Matthews, McCrimmon, Miller, Patterson of Jefferson, Paulk, Peeples, Pharr, Robinson, Rudisill, Strickland, Studstill, Semner, Turner and Wellborn.

So the bill was passed.

On motion the Senate adjourned till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion a call of the Senate was made when the following Senators appeared and answered to their names :

Messrs. Ashe, Avery, Billups, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Cumming, Gray, Gibson, Gordon, Griffin, Hamilton, Hardeman, Head, Hill, Hines, Howell, Knight, Landrum, Lawton, Lott, Matthews, McDonald, McGuire, Moody, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Ragan, Reddish, Renfroe, Sapp, Shropshire, Simms, Screven, Strickland, Studstill, Turner, Wales, Welborn, Whitaker and White.

On motion of Mr. Lawton the rules were suspended and the following bills were reported, to-wit :

A bill to add a part of Lee to Dougherty county.

Also, a bill to protect ferry ropes and ferry boats, &c.; which were read the first time.

Mr. Moore of Cobb, reported a bill to be entitled an act for the relief of administrators, executors and guardians, so far as to remove their disqualification from holding the office of Ordinary or Deputy Ordinary in the several counties in this State; which was read the first time.

On motion the Senate took up the following bills, which

were read a second time and referred to a Committee of the Whole, to-wit :

A bill to repeal so much of an amendatory act as relates to the authorizing agents appointed by the Governor selling the reverted lands in the different lotteries of this State, and re-establish the amended act of 1843, &c.

A bill to be entitled an act to incorporate the Georgia Air Line Rail-road Company, and to confer on them certain powers and privileges therein mentioned.

A bill to authorize Thomas H. Hall of the county of Baldwin, a minor, to transact his own business in the manner and subject to the same responsibilities as though he was of full age.

A bill authorizing persons to submit controversies to arbitration, declaring how arbitrators shall be chosen, prescribing their powers, regulating the manner in which their proceedings shall be conducted, and for other purposes.

A bill to repeal the first, second, and third sections of an act to prohibit the sale of deadly weapons, and prescribe the manner of carrying the same, and to punish for a violation of the same, and for other purposes therein mentioned.

A bill to define the line between the counties of Gordon and Floyd, and for other purposes.

A bill to repeal a portion of the 2d section of an act to change the line between the counties of Monroe and Crawford, and, also, to change the lines between other counties therein mentioned, approved February 13th, 1854.

A bill to change a part of the seventh section of the 2d article of the Constitution.

A bill for the perpetuation of testimony in certain cases.

A bill to authorize and require interest to be recovered on open accounts in certain cases.

A bill to compensate the Grand Jurors of Baker county.

A bill to incorporate the city of Greensboro' to provide for its government, define its power, and for other purposes therein mentioned.

A bill to prevent obstructions to the free passage of fish in the Toccoa river, through the county of Fannin in this State, and to make penal the same.

A bill to forfeit the wife's right of dower in certain cases, and to forfeit the right of the husband to his wife's property in certain cases therein specified, and for other purposes.

A bill to add an additional section to the 6th Division of the Penal Code.

A bill to add an additional section to the 9th Division of the Penal Code.

A bill to add a part of the county of Catoosa to the county of Walker, and for other purposes.

A bill to incorporate a Bank in the city of Atlanta, to be called the State Bank of Georgia.

A bill to regulate taking testimony by Interrogatories.

A bill to be entitled an act for the relief of Barnard Dugan of the county of Fulton.

A bill to incorporate a bank in the town of Bainbridge to be called the Southern Bank of Georgia.

A bill for the relief of certain teachers of poor children in the county of Campbell for the year eighteen hundred and fifty-four.

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Talbot.

A bill to confer certain privileges upon John Q. Spires of Lincoln county, and to make lawful his acts, and to give him authority to transact business as though he were of full age.

A bill to authorize the Governor to employ the Convicts in the Penitentiary to get granite for the rebuilding of the Capitol at Milledgeville, and for other purposes therein mentioned.

A bill to amend the several acts of this State in relation to suing out commissions.

A bill to be entitled an act to change the time of meeting of the General Assembly of the State of Georgia from the 1st Monday in November to the 1st Wednesday in November.

A bill to alter and amend the oath of witnesses to be sent before the Grand Jury.

A bill to prohibit the retailing of spirituous or fermented liquors without license, to prescribe the manner in which said license may be obtained, and also the terms and conditions to punish those who may retail without license, to prohibit retailers on certain days, to certain persons, and also to prohibit the sale or furnishing of spirituous or fermented liquors to slaves or free persons of color, and also to prohibit the employment of such persons in any retail shop, and also to prevent their carrying or having such liquors on board rail-road cars.

A bill to be entitled an act to incorporate the Baptist Church and Camp Ground at Concord in the county of Forsyth, and for other purposes.

A bill to be entitled an act to prevent Rail-road agents from shipping or conveying their grain on the Western & Atlantic Rail-road in preference, and to the injury of other persons; and to punish them for the same.

A bill to be entitled an act to amend the Judiciary act of 1799, so far as relates to the jurisdiction of Justices of the Peace, in relation to cases sounding in damages, so far as respects the county of Lumpkin.

A bill to be entitled an act for the relief of Henry Cox of the county of Washington.

A bill to be entitled an act to incorporate a bank in the town of Greensboro' to be called the Bank of Greensboro'

A bill to be entitled an act to compel the Superintendent of the Western & Atlantic Rail-road to sell such iron and other articles as may become useless to said Road, at public outcry ; and for other purposes therein mentioned.

A bill to be entitled an act for the relief of John C. Everett and Robert Campbell.

A bill to be entitled an act to repeal an act to regulate the fees of Attorneys at Law and Solicitors General, and for other purposes therein specified, approved December 29th, 1849.

A bill to be entitled an act to authorize the Governor to furnish certain books to the magistrates of the 710th District of Marion county.

A bill to be entitled an act to continue in force the tenth section of an act to lay out and form a new county from parts of the counties of Early and Randolph, approved February 16th, 1854.

A bill to be entitled an act to alter and amend the tenth section of the thirteenth division of the Penal Code of this State.

A bill to be entitled an act to prevent citizens from other States retailing or peddling out jugs or hollow-ware in this State.

A bill to be entitled an act to incorporate the town of Lamar in the county of Baker.

A bill to be entitled an act to confer certain privileges upon James J. Boyett of the county of Randolph, and to make lawful his acts. and to give him authority to transact business as though he were of full age.

A bill to be entitled an act to repeal an act entitled an act regulating the granting of new trials, approved February 12th, 1854.

A bill to be entitled an act to authorize the Ordinary of the county of Taylor to pay over to James P. Rowan and William F. Graham certain sums of money therein specified.

A bill to be entitled an act to incorporate a Bank in the town of Ringgold, Georgia.

A bill to change the mode of executors, administrators and guardians making their returns to Ordinaries, and for other purposes therein mentioned.

A bill to incorporate a bank in the town of LaGrange, to be called the Farmers' Bank of Georgia.

A bill to facilitate the collection of intestates estates in certain cases without administration.

A bill to be entitled an act to incorporate a bank to located in the city of Macon to be called the Bank of Middle Georgia.

•A bill to grant the aid of the State of Georgia to the South-Western Rail-road Company.

A bill to be entitled an act to authorize William B. Wofford to build and keep up a mill dam across the Conasauga river on his own land in the county of Murray.

A bill to be entitled an act to explain and amend an act entitled an act to regulate the mode of suing the bonds of executors, administrators and guardians, approved January 5th, 1852.

A bill to be entitled an act to lay out and form a new county from the counties of Warren and Jefferson, and to provide for the organization of the same.

A bill to be entitled an act to authorize the Ordinaries and their officers in the county of Decatur to advertise their citations and notices of sales in some of the papers published at Milledgeville.

A bill to make uniform the fees of the several Ordinaries in this State.

The Senate took up the regular order, which was the consideration of the report of the committee on a bill to compensate Petit Jurors in the county of Marion.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to repeal an act, or so much as includes a portion of Murray county within the county of Fannin, and other purposes therein mentioned; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee on a bill to be entitled an act for the relief of Rachel Black.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to amend the original and amendatory acts authorizing certain Commissioners to raise by lottery a fund for the erection of monuments to Greene and Pulaski in the city of Savannah.

The report of the committee was agreed to, and on motion

Mr. Cone of Greene the bill was laid on the table for the present.

The Senate took up the report of the committee on a bill in relation to the poor school fund of Talbot county for the year 1854.

On motion of Mr. Cannon the same was amended by adding the following as an additional section, to-wit:

And be it further enacted, That the Ordinary of Cass county be, and he is hereby authorized and required to pay early Ford the sum of sixty-seven dollars and twenty-five cents for teaching poor children in said county in the year

1852, whenever there is a surplus on hand at the end any year, or such amount of surplus as may be on hand from year to year until said sum be paid.

On motion of Mr. Shropshire the same was further amended by adding the following, to-wit :

And be it enacted, That F. C. Crawford of Chattooga receive from the Ordinary of Chattooga county the sum of twenty-eight dollars thirty-seven cents, and that the Ordinary be authorized and required to pay the same.

On motion of Mr. Wellborn the same was further amended by adding the following, to-wit :

And be it further enacted, That the Ordinary of Whitfield county be, and he is hereby authorized to pay John Lewis the sum of thirty-seven dollars and fifteen cents of any surplus in his hands for the year 1854.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to exempt certain property of the city of Savannah from taxation.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to incorporate Pierpont Female College, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to compensate the Grand and Petit Jurors of the county of Jefferson, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on the bill to authorize Dr. J. J. M. Goss to practice medicine on the eclectic system as taught in Cincinnati, Ohio.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill for the relief of Henry A. Clements.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill amending the several acts in relation to the town of Athens.

On motion of Mr. Peebles the same was amended by striking out the words 'six and quarter,' and insert in lieu thereof the words 'six and a half.'

Mr. Ware moved to amend by striking out the word 'imprisonment'; which motion was lost.

*The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill for the relief of teachers of poor children the county of Decatur; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill incorporating Cotton Hill Male and Female Seminary in the village of Cotton Hill, Clay county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to prevent, and make penal obstructions of any of the public roads of Troup county by persons assembled thereon for the purpose of horse racing.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill for the relief of Caroline McGill wife of Archibald McGill and daughter of John Hargroves of the county of Ware; the report of the committee was agreed to, the bill was read the third time and lost.

On motion of Mr. Knight the Senate adjourned until ten o'clock to-morrow morning.

SATURDAY, JANUARY 26th, 1856.

The Senate met pursuant to adjournment.

Mr. Fambro moved to reconsider so much of the Journal of yesterday as relates to the passage of the bill to settle and fix the hours of labor by all white persons, under twenty-one years of age, in all cotton, woolen and other manufacturing establishments, which motion was agreed to.

Mr. Camden moved to reconsider so much of the Journal of yesterday as relates to the passage of a bill to repeal an act approved January 22d, 1852, entitled an act to repeal the 1st section of an act approved 19th December, 1849, entitled an act to repeal all laws respecting the importation of slaves into this State and to give certain powers to municipal corporations in relation to slaves, and to amend the act hereby revived, and to revive and continue in force the said 1st section so repealed. Whereupon the yeas and nays were required to be recorded and are yeas 41, nays 51.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Beall, Beasley, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Chastain, Crowder, Dabney, Dixon, Grant, Hardeman, Hill, King, Lanrum, Lawson of Burke, Lawton, Long, Marshall, Matthews, McCrimmon, McGuire, Miller, Moore of Cobb, Paterson of Jefferson, Peeples, Pharr, Pope, Ragan, Renfroe

Robinson, Rudisill, Strickland, Studstill, Sumner, Turn and Wellborn.

Those voting in the negative are Messrs. Atkinson, Bate, Billups, Brice, Cannon, Cantrell, Carlton; Cause Coffee, Colbert, Cone of Greene, Cumming, Dunnaga Fambro, Gray, Gordon, Griffin, Guerri, Hale, Hamilton Harris of Taliaferro, Hines, Howell, Jamison, Knight, Low McDonald, McIntosh, McMillan, Moody, Moore of Lincoln Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gimer, Paulk, Ponder, Poole, Reddish, Sapp, Shropshire, Simm Scott, Screven, Wales, Ware, Whitaker, White, Wingfield and Wynn.

So the motion was lost.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk. to-wit:

Mr. President: The House of Representatives have appointed on their part Messrs. Terhune, Milledge, Phillips, Harris Meriwether and Irwin a committee to confer with the one appointed on the part of the Senate on the subject of the disagreement of the two houses in reference to the amendments proposed to the General Appropriation bill.

The following message was received from his Excellency the Governor through Mr. Briscoe, his Secretary:

Mr. President: I am directed by the Governor to lay before the Senate a communication in writing with accompanying documents:

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., January 26th, 1856. }

To the Senate:

In compliance with a resolution of the Senate of the 25th instant, requesting "all the returns of the Planter's and Mechanic's Bank of Dalton, and of the Cherokee Insurance Banking Company, and the last returns of all the chartered Banks of the State, made to the Executive Department, and also all the returns of the Bank of St. Mary's for the last five years, I have the honor to transmit herewith a copy of the same so far as they are of file in this Department, except the reports of the 'LaGrange Bank' and 'Bank of the Interior' Griffin, which have already been transmitted under previous Resolution of the Senate at its present session. One examination of the files of this Department, no returns of the Bank of St. Mary's can be found for the last five years.

HERSCHEL V. JOHNSON.

The Senate took up the special order, which was the consideration of the report of the committee on a bill to reorganise the Court of Common Pleas for the city of Augusta to change the name thereof, and to give to it criminal jurisdiction.

Mr. Miller moved as amendments, sections authorizing a Recorder's Court, the subscription to stock in Railroad Companies, the crossing of the river by the Savannah V.

ey Road at Bull Sluice, and its extension to Augusta, the connexion of Rail-roads at Augusta, and requiring a registry of voters in said city; which were agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the special order, which was the consideration of the report of the committee of the Whole on a bill to establish and organise a court in the city of Columbus. The report of the committee was agreed to; the bill was read the third time and passed.

On motion of Mr. Cone of Greene, the rules were suspended, and the Senate took up the report of the committee of the Whole on a bill to change and fix the time of holding the Superior Court in the county of Meriwether, and for other purposes therein named. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to authorise the Justices of the Inferior Courts of this State to exercise criminal jurisdiction: the report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to lay off and form a new county out of the counties of Cobb, Cherokee, DeKalb, Forsyth, Gwinnett and Walton, and to organise the same.

On motion of Mr. Murphy, the same was referred to a select committee of six. The committee appointed by the chair were Messrs. Murphy, Calhoun, Brown of Gwinnett, Camden, Strickland and Moore of Cobb.

The Senate took up the report of the committee of the Whole on a bill to amend the ca sa laws. The report of the committee was agreed to; the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 38, nays 49.

Those voting in the affirmative are Messrs. Allred, Avery, Beall, Billups, Bloodworth, Brice, Buchanan, Chastain, Cumming, Griffin, Guerry, Harris of Taliaferro, King, Lantrun, Lawton, Long, Maddux, Marshall, McCrimmon, McDonald, McMillan, Moore of Cobb, Morris, Murphy, Nichols, Peeples, Ponce, Reddish, Renfro, Rudisill, Scott, Screven, Studstill, Sumner, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Ashe, Baxter, Beasley, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Fambro, Gordon, Hale, Hamilton, Hardeman, Hill, Hines, Howell, Jamison, Knight, Lott, Matthews, McGuire, McIntosh, Miller, Moody, Moore of Lincoln, Moreland, Murray, Patterson of Gilmer, Pat-

terson of Jefferson, Paulk, Pharr, Ponder, Pope, Ragan, Shropshire, Simms, Strickland, Swinney, Turner, Wale and Welborn.

So the bill was lost.

On motion of Mr. Pope, the rules were suspended, and the resolution in relation to the adjournment of the General Assembly sine die, on the 25th February, was taken up.

Mr. Carlton moved to postpone the same indefinitely whereupon the yeas and nays were required to be recorded and are yeas 33, nays 55.

Those voting in the affirmative are Messrs. Beall, Carlton, Chastain, Cone of Greene, Crowder, Cumming, Dunnagan, Gordon, Griffin, Guerry, Hardeman, Harris of Taliaferro Hill, Jamison, King, Lawton, Long, Lott, Matthews, McCrimmon, McIntosh, Moore of Lincoln, Moreland, Murphy, Nichols, Patterson of Gilmer, Ponder, Poole, Ragan, Sapp, Simms, Studstill, and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Avery, Baxter, Beasley, Billups, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Causey, Coffee, Colbert, Dabney, Dixon, Fambro, Hale, Hamilton, Hines, Howell, Knight, Landrum, Maddux, Marshall, McDonald, McGuire, McMillan, Miller, Moody, Moore of Cobb, Morris, Murray, Patterson of Jefferson, Paulk, Peoples, Pharr, Pope, Reddish, Renfro, Rudisill, Shropshire, Scott, Screven, Strickland, Sumner, Swinney, Turner, Wellborn, Whitaker, White and Wynn.

So the motion to postpone indefinitely was lost.

Pending the further consideration thereof, on motion Messrs. Miller and Gibson were granted leave of absence for a few days.

On motion, the Senate adjourned till ten o'clock Monday morning.

MONDAY, JANUARY 28th, 1856.

The Senate met pursuant to adjournment.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the resolution in relation to the adjournment of the General Assembly sine die, and on motion of Mr. Cone of Greene, the same was laid on the table for the present.

On motion of Mr. Cone of Greene, the rules were suspended, and the following resolution was taken up, to-wit:

Resolved, That in view of as early an adjournment as is consistent with the interest of the State, and that the business of the Senate may not be retarded by prolix and unnecessary speaking: No Senator shall hereafter speak mor

than ten minutes upon any bill, resolution or motion: and it shall be the duty of the President to rap his hammer when any senator shall have spoken that time.

Mr. Baxter moved to amend the same by inserting the following after the word motion, "This rule shall not be dispensed with, or rescinded only by vote of two-thirds," which was agreed to.

Mr. Long moved to strike out "two-thirds" and insert the word 'unanimously;' whereupon the yeas and nays were required to be recorded and are yeas 13, nays 65.

Those voting in the affirmative are Messrs. Allred, Buchanan, Carlton, Gibson, Guerri, Harris of Worth, Howell, King, Landrum, Long, Matthews, Moreland and Whitaker.

Those voting in the negative are Messrs. Ashe, Atkinson, Baxter, Beall, Beasely, Bloodworth, Brice, Calhoun, Cannon, Cantrell, Causey, Coffee, Colbert, Cone of Greene, Crowder, Dupree, Fambro, Gray, Gordon, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Hill, Hines, Jamison, Knight, Lawson of Burke, Lawton, Maddux, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Lincoln, Morris, Murray, Patterson of Jefferson, Patterson of Gilmer, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Rudisill, Sapp, Simms, Scott, Screven, Spalding, Strickland, Studstill, Sumner, Turner, Wales, Ware, Welborn, White and Wynn.

So the motion was lost.

Mr. Landrum moved to postpone the same indefinitely; which motion was lost.

Upon agreeing to the resolution as amended, the yeas and nays were required to be recorded and are yeas 54, nays 31.

Those voting in the affirmative are Messrs. Allied, Atkinson, Baxter, Beall, Beasely, Bloodworth, Buchanan, Cannon, Cantrell, Causey, Colbert, Cone of Greene, Cumming, Fambro, Gray, Grant, Hale, Hamilton, Hardeman, Hays, Hill, Hines, Knight, Lawton, Lott, McCrimmon, McDonald, McGuire, Moody, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Jefferson, Paulk, Peeples, Pharr, Pope, Ragan, Reddish, Renfroe, Rudisill, Shropshire, Simms, Scott, Screven, Strickland, Studstill, Sumner, Swinney, Turner, Wales, Wellborn and Wynn.

Those voting in the negative are Messrs. Ashe, Brice, Brown of Gwinnett, Calhoun, Carlton, Chastain, Coffee, Crowder, Dunnagan, Gibson, Gordon, Guerri, Harris of Taliaferro, Harris of Worth, Howell, Jamison, King, Landrum, Lawson of Burke, Long, Matthews, McMillan, Moore of Cobb, Nichols, Patterson of Gilmer, Poole, Sapp, Spalding, Ware, Whitaker and White.

There not being a constitutional majority, the resolution was not agreed to.

On motion of Mr. Pope, the resolution in relation to the

adjournment of the General Assembly sine die on the 25th February next, was taken up.

Mr. Pope moved to amend the same by striking out all after the word "resolved" and insert the following in lieu thereof.

Resolved, That the President appoint a committee of three to confer with a like committee on the part of the House to ascertain and report at what time the General Assembly will be prepared to adjourn sine die, which was agreed to.

The resolution as amended was agreed to.

On motion of Mr. Peeples, the rules were suspended and the Senate took up the report of the committee of the Whole on a bill to lay out a new county from Clark, and for other purposes.

Mr. Grant moved to amend the 1st section by inserting the following: Beginning at the point where the north prong of Oconee river crosses the line of Jackson and Clark—thence down the middle of said river to its junction with the south fork of said river, thence—which was agreed to.

On motion of Mr. Baxter, the second section was amended by inserting the word 'Terrel' after the words 'in the name of;' which was agreed to. The report of the committee of the Whole as amended was agreed to; the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 12, nays 97.

Those voting in the affirmative are Messrs. Ashe, Cantrell, Carlton, Chastain, Dabney, Grant, Lawson of Burke, McMillan, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Atkinson, Avery, Baxter, Beall, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Causey, Coffee, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Head, Hill, Hines, Howell, Jamison, King, Knight, Lott, Maddux, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Morris, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Strickland, Studstill, Sumner, Swinney, Wales, Ware and Wellborn.

So the bill was lost.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the Whole on a bill to be entitled an act to incorporate a Bank in the town of Athens, to be called the Bank of Athens.

Mr. Cone of Greene moved to strike out the 18th section; which motion was lost.

Pending the further consideration of the bill, on motion of Mr. Carlton, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the consideration of the report of the committee of the Whole on a bill to incorporate a bank in the town of Athens, to be called the Bank of Athens.

Mr. Peeples offered the following as an additional section, *pro-wit* :

Section 19. *And be it further enacted by the authority aforesaid*, That the office for the transaction of the business of said Bank, shall be located in the town of Athens, in this State; which was agreed to.

The report of the committee as amended was agreed to. The bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 53, nays 33.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Beasley, Billups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Crowder, Dixon, Dupree, Gibson, Grant, Hardeman, Knight, Landrum, Lawson of Burke, Lawton, Long, Maddux, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murray, Nichols, Patterson of Gilmer, Peeples, Ponder, Poole, Pope, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Turner, Wales, Wellborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Baxter, Beall, Bloodworth, Brice, Cantrell, Carlton, Causey, Coffee, Colbert, Cone of Greene, Cumming, Dabney, Dunnagan, Gray, Gordon, Guerry, Hale, Hamilton, Harris of Worth, Hays, Howell, King, Murphy, Patterson of Jefferson, Paulk, Pharr, Ragan, Reddish, Renfro, Sumner, Ware and White.

So the bill was passed.

The Senate took up the report of the committee of the Whole on a bill to extend the provisions of the 11th section 29 chs. 11 to the sale or gift of slaves. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to require the Ordinaries of this State to keep a book in which they shall record all letters testamentary, letters of administration and letters of guardianship

and for other purposes. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the regular order, which was the consideration of the report of the committee of the Whole on a bill to alter and amend the fourth division of the Penal Code, and for other purposes therein mentioned.

On motion the 5th section, as recommended by the Judiciary Committee, was struck out. The report of the committee as amended was agreed to; the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 28, nays 61.

Those voting in the affirmative are Messrs. Ashe, Baxter, Beasley, Coffee, Cone of Greene, Crowder, Dixon, Fambro, Gibson, Grant, Guerry, Harris of Worth, Knight, Landrum, Lawson of Burke, Lawton, Long, Maddux, Matthews, McCrimmon, McDonald, Moody, Moore of Lincoln, Paulk, Pope, Ragan, Robinson, Swinnèy and Wales.

Those voting in the negative are Messrs. Allred, Atkinson, Avery, Beall, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Colbert, Cumming, Dabney, Dunnagan, Gray, Gordon, Griffin, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Howell, Jamison, King, McGuire, McIntosh, Moore of Cobb, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Ponder, Poole, Reddish, Renfro, Rudisill, Sapp, Shropshire, Simms, Scott, Spalding, Studstill, Sumner, Turner, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

So the bill was lost.

The Senate took up the report of the committee of the Whole on a bill to allow the evidence of practicing physicians to be taken in all civil cases by interrogatories and commission and to regulate the taking thereof.

On motion the same was laid over for the present.

The Senate took up the report of the committee of the Whole on a bill to incorporate the LaGrange and Talladega Rail-road Company.

Mr. Beasley moved to amend by striking out all of the first section down to the words 'and individuals' and inserting the following in lieu thereof, to-wit:

Section 1st. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of constructing a rail-road communication between the town of LaGrange, Georgia, and some point on the line between the State of Georgia and Alabama, west or north-west of LaGrange, and in the direction, so as to connect with the Selma Rail-road in the State of Alabama, at some

point on said rail-road north of the town of Selma in said State, John E Morgan, Robt. A. T. Ridley, Edward Y. Hill, Jesse McLendon, Wm. C. Henderson, Edward H. Broughton, John P. Culberson, Thomas C Evans, Wiley P Burks, Sampson Lay, L. H. Clark, E. A. Reid, John T. Boykin and Wm. P. Beasley, and such other corporations.

The motion to amend was agreed to.

On motion of Mr. Beasley, the 11th section was amended by striking out the word 'Talladega' and inserting the word 'Oxford' in lieu thereof, The report of the committee as amended was agreed to; the bill was read the third time and passed under the following title: An act to incorporate the LaGrange and Oxford Rail-road Company.

The Senate took up the report of the committee of the Whole on a bill to alter and amend the 19th section of the 1st article of the Constitution of the State of Georgia.

The report of the committee was agreed to; the bill was read the third time, and on the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 88, nays 1.

Those voting in the affirmative are Messrs. Allred, Atkinson, Avery, Baxter, Beall, Beasley, Billups, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Grant, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hill, Howell, Jamison, King, Knight, Lawson of Burke, Lawton, Long, Maddux, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Strickland, Sumner, Swinney, Turner, Wales, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

Mr. Ashe voted in the negative.

So the bill was passed by a constitutional majority.

The following message was received from his Excellency the Governor, through Mr. DeGraffenried, his Secretary:

Mr. President: I am directed by the Governor to transmit to the Senate a communication in writing with accompanying documents:

EXECUTIVE DEPARTMENT; }
Milledgeville, Ga., January 28th, 1856. }

To the Senate and House of Representatives :

I received, a few days ago, a series of Resolutions adopted by the Legislature of Vermont, in relation to Kansas

transmitted by the Governor of that State, to be submitted to the General Assembly of Georgia. I have hesitated to comply with the request of the last resolution, for two reasons ; first, because, I deprecate the humiliation of being made the medium to communicate an insult to the State of Georgia ; and secondly, because I equally deprecate a renewal of the agitation of the question of slavery, so adverse to the repose of the popular mind, so destructive of the feelings of amity which should characterise the relations between the States of this Republic, and so hostile to the stability and integrity of the Union. But after calm deliberation, I have deemed it my duty to transmit to you these Resolutions, content that consequences shall be upon the heads of their authors.

The preamble and resolutions profess to assert facts, and principles ; but their allegations of facts are false, and their principles totally unsound and at variance with the correct theory of our government. As a fact, they assert, that the power and influence of the slaveholding States have been exerted in extending and strengthening the institution of human slavery ; that, for this purpose the laws for the recovery of fugitive slaves and the organization of territorial governments for Kansas and Nebraska were passed, and that, the present administration of the general government has lent itself to these illegal and unjust schemes. If the occasion required, it would be an easy task to confront these declarations with the teachings of all our past history. Not a solitary instance can be adduced in which the slaveholding States ever asked Congress even to take jurisdiction of the question of slavery much less to exercise the power of promoting its establishment or extension. Non-intervention is now, and always has been their motto. They have deprecated the agitation of the subject in every form. They have remonstrated against its introduction into the halls of Congress. They have appealed to the fanatics of the non-slaveholding States by every argument by which they could hope to reach their patriotism, or their reason, to desist from their assaults upon the Constitutional rights of the South. The passage of the law for the recapture of fugitive slaves, so far from being contrary to the clear intent of the founders of the government, and in violation of the spirit of the Constitution, was in perfect accordance with both. The Kansas-Nebraska Act so far from being a measure "inviting the establishment of slavery on those territories simply opens them to the free ingress of all the citizens of the several States, and invests them with the right of making their own laws, subject to no restriction, but that of conformity to the Constitution of the United States. "The present administration of the General Government has therefore lent itself" to no "illegal and unjust schemes" by seeing to the faithful

execution of these laws. But to have been derelict the President would have incurred a guilt next in turpitude to treason against the Constitution which he has sworn to support. The assertions of the preamble and resolution of Vermont, in reference to the proceedings of the Kansas legislature are equally unfortunate. It is a fact of general notoriety, that under the proclamation of Governor Reeder prescribing the time, place and manner of holding elections for members of the territorial legislature of Kansas, the people thereof selected their Representatives, that they convened at the place designated in his proclamation, received from the Governor certificates of their election, organised as a legislative body, and the Governor communicated to them his Inaugural Message. Thus regularly clothed with legislative functions they proceeded orderly to the enactment of laws for the government of Kansas.

Now it is asserted that armed citizens from Missouri, unlawfully, invaded the Territory, took possession of the ballot-box, prevented a certain class of citizens from exercising the elective franchise, and thus vitiated the elections held in pursuance of the Governor's proclamation. This is not true; and looking to the circumstances of the case, it is impossible to have been true, in his proclamation Governor Reeder was careful to specify and define the mode of contesting the legality of the election of members to the Territorial legislature. He prescribed, "That in case any person shall desire to contest the election of any district of the Territory, they shall make a written statement, directed to the Governor, setting forth the particular precinct or district they intend to contest, the candidate whose election they dispute, and the specified causes of complaint in the conduct or return of said election, which complaint shall be signed by not less than ten qualified voters of the Territory, and with the affidavit of one or more of such voters, as to the truth of the facts set forth therein, such written statement must be presented to the Governor, at his office, on or before the fourth day of April, 1855, and if it shall appear that the result of the election in any Council district might be changed by said contest, a day will be fixed for hearing the cause." The seat of several members were contested, and though the mode prescribed was not pursued, yet the Governor entertained the cases, declared the seats vacant, ordered new elections, and issued certificates of election to the persons so elected. Now, Governor Reeder's sympathies are well known. It is notorious, that he belongs to that party whose sentiments are reflected by these Vermont resolutions. Is it then to be credited, for one moment, that if the alledged violence and fraud upon the ballot-box, had been actually perpetrated, protest against the election would not have been forwarded in every instance; and if entered

is it not quite certain, that the Governor would have vacated the elections ; but instead of this, there were but few protest preferred, not enough to change the political complexion of the Legislative Assembly, and after the purgation of that body under the operation of these protest every member was furnished with the certificate of the Governor as the evidence of his right to a seat therein. Why then this clamour on the part of Vermont, and the fanatics of the non-slaveholding States against those proceedings of the Territory of Kansas? It is because the elections alluded to under the non-intervention principal of the Kansas-Nebraska Act, resulted in the return of a large majority to the Legislative Assembly in favor of the institution of slavery. For the purpose of justifying their clamour, they draw upon their imagination for facts, and proceeding entirely upon false premises, they are seconding the factious and mutinous spirit of the Abolition Party in Kansas, who repudiating the elections and action of the Territorial Legislature, are seeking to erect Kansas into a non-slaveholding State, and to secure her admission into the Union as such. It is not necessary for me to vindicate the State of Missouri from the grossly insulting, and false imputations made against a respectable portion of her citizens, that is triumphantly proclaimed by the history of the events to which I have alluded. But in a more important respect, the attitude of the Missourians, who are thus branded, challenges the support and sympathy of Georgia, and the slaveholding States, as well as of the friends of the Constitution in every quarter of the Union, it is natural that she should be peculiarly sensitive as to the character of the domestic institutions of Kansas, though she ought not, (as she has not) illegally, interfere in the affairs of Kansas, yet, she cannot be expected to stand a tame spectator of the extraordinary efforts, from the east, to abolitionize that Territory. Why are Vermont and her fanatical collaborators in the non-slaveholding States silent in reference to such movements as that of the "Mussachusetts aid Society"? Though many hundred miles distant from Kansas, they seek to control her destiny by pouring into her borders hordes of hired emigrants ; and it is all considered legitimate and right, but when the people of Missouri, just on the border of the scene of action, having the most vital interest in the subject, indicate solicitude to protect the *bona fide* settlers of Kansas against these eastern intruders and to vindicate as a matter of self preservation the great principle of the Kansas-Nebraska Act, they are gravely charged by solemn legislative resolves with unlawful invasion and illegal and forcible violation of the rights of the elective franchise. I will not trust myself to use the language which would appropriately characterize such unjust and officious intermeddling.

If we look at the geographical position of Missouri, we not only find a justification of the solicitude of her citizens relative to this vital controversy, but that its final settlement must affect all the slaveholding States. The institution of slavery exists in Missouri, but she is now flanked on two sides by non-slaveholding States. Iowa on the North and Illinois on the East. What will be her condition, if Kansas which lies on her West, shall also become a non-slaveholding State? Warred upon by abolitionists on the one hand, and practically denied the provisions of the fugitive slave law on the other, slaves will be valueless, and the institution crushed out within her borders. It will require but a few years for this consummation by which the disparity between the relative strength of the two great sections in the Federal Government, will be permanently increased, the South made weaker and the North stronger. Hence, the importance, not only to the South, but to the entire Union, that the legitimate operation of the Kansas act, should not be thwarted by improper external influences from any quarter. It opens the Territory to all the citizens of the United States, secures to them therein the right of self-government, and to adopt or reject slavery, in the formation of their State Constitution.— While therefore, the South will not interfere improperly and is prepared to acquiesce in the final decision of the *bona fide* settlers of Kansas on the subject of slavery, they will not tolerate fanatical efforts to mould its institutions and will and ought to rally to the support of the people of Missouri, in protecting them in the free and unrestrained exercise of their rights under the law of their territorial organization. If you think proper to make any response to the resolutions of Vermont, this should be distinctly announced without the fervor of passion, but with firmness and dignity of unalterable purpose.

The doctrines of political principle involved in the preamble and resolutions under consideration are as erroneous as their allegations of facts are untrue. They take it for granted that Congress may rightfully take jurisdiction of the question of slavery in the Territories of the United States, and is bound so to exercise it as to exclude therefrom citizens of the slaveholding States, with their property. No such authority is found in the Constitution. It is totally at war with the theory of our system of Government. It ignores the sovereignty and equality of the States. To these doctrines Georgia can never subscribe. Their practical enforcement will lead to dissolution if resisted, and if submitted to, to the degradation of one-half of the members of the Federal Union. It were interesting, if necessary, to demonstrate the fallacy of those doctrines. But it is idle to reason with fanaticism and sound constitutional men everywhere are already convinced. Let us await the future in dignified pa-

tience, but resolved to meet aggression as becomes freemen.

I should not have indulged in such elaborate comment upon the preamble and resolution of Vermont, but for the fact that existing circumstances give them a point and significance which it is impossible to disregard. It is obvious that the fate of Kansas is the paramount question of the day and that upon its satisfactory adjustment is probably suspended the safety of the slaveholding States and the continuance of the Federal Union. Whether we look at the actual condition of affairs in that Territory, or in the Congress of the U. S. now in session, we find much to awaken the apprehension of patriots in every portion of our country. In Washington, a spectacle is presented which is disreputable to the character of our government, as it is evincive of deep-rooted and organised hostility to the constitutional rights of the South. During several weeks, the House of Representatives has been engaged in a fruitless effort to organise itself, for the transaction of its appropriate business. The minority, with a firmness and unanimity honorable to patriots, are seeking to effect an organization upon the principles of the Kansas and Nebraska act, whilst the majority with a pertinacity worthy of a better cause, seem to be resolved upon no organization rather than the recognition of those principles. The triumph of the latter is prevented by the want of harmony among themselves, they, (excepting a few Southern men,) differing only as to the extent to which they are willing to go, in assailing the rights of the South, as involved in the Kansas-Nebraska act. For all practical purposes, the Government is at an end and must continue, during the existence of this sectional strife, in the Representatives Hall of Congress. What will be the result, no pre-science can predict; but that it is disastrous to the brotherhood between the States—that it weakens the Constitutional bond of our union and augments the tendency to array section against section, cannot be denied. In this state of things, it behooves the State of Georgia as an integral portion of the South, to do whatever she can to arrest the tide of aggression, or failing to do that, to place herself in the safest attitude of self-preservation. It may be, and I trust that such will be the result, that the union of the sound constitutional men of all sections, of which there are gratifying indications, may prove strong enough ultimately to arrest the machinations of fanaticism, and save the union from the storm which now darkens our political horizon.—But it is vain to expect that our assailants will voluntarily relent their purpose or relax their efforts for our destruction. They will either conquer the friends of the Constitution and the Union, or they must be conquered. In the latter result, the rights of the South will be maintained, but in the event of the former, the South must take care of herself. Such is

a awful issue which is now distinctly presented to the country. Whilst you studiously avoid all rashness, either in expression or action, you will be disloyal to the great first law of self-preservation, if you should fail to adopt such measures of legislation as may be best calculated to avert impending calamities, if they may be, and if not, to protect the State against their ruinous consequences. Georgia took her position on this momentous issue in her convention of 1850. In the 4th resolution adopted by that body, she solemnly announced that she would "resist even, (as a last resort,) to a disruption of every tie that binds her to the Union," the acts of aggression therein enumerated. But that Convention did not designate the time and mode of resistance, but left it for a future Convention to determine; but such a convention cannot be assembled without legislative authority. I therefore respectfully renew the recommendation contained in my Message to the General Assembly, at the commencement of your Session, that you pass an act authorizing the Governor, upon the happening of any of the contingencies specified in the 4th resolution of the Convention of 1850, to call a convention to consider and determine the time and mode of resistance thereby contemplated. Should such contingency never arise, the legislation can do no harm; if it should, it will be notice in advance, to our assailants, will throw upon them the responsibility of consequences, and justify the State in the estimation of mankind. The signs of these times are portentous, it rests with you calmly and firmly to place the State in the best attitude to breast the swelling onrush.

HERSCHEL V. JOHNSON.

The following message was received from his Excellency the Governor, by Mr. deGraffenried, his Secretary.

Mr. President: I am directed by the Governor to lay before this branch of the General Assembly a communication in writing, with accompanying documents:

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., January 26th, '56. }

to the Senate and House of Representatives:

I herewith transmit the report of William K. deGraffenried, Esq. together with the correspondence between him, as Commissioner on the part of Georgia, and James A. Whiteley, Esq. as Commissioner on the part of Tennessee, appointed under joint resolutions of their respective Legislatures, to negotiate terms of amicable Rail-road intercourse between the two States.

The subject is so fully discussed in these documents, that nothing remains to be added, so far as relates to the question of the surrender of jurisdiction by the courts of Tennessee over the Western and Atlantic Rail-road. The negotiations show that this point will not be yielded by Tennessee.—

The case of *McClung vs. the Western and Atlantic Railroad* was one on which we hoped to test the question of jurisdiction of the Courts of Tennessee, before the Supreme Court of the United States. The necessary papers were prepared and forwarded to the Hon. Hiram Warner at Washington, to obtain a writ of error; but not being a practitioner in the Federal Court, he turned over the papers to the Hon. P. Phillips, an eminent lawyer, who, after full investigation, gave the opinion that the Supreme Court of the United States has not jurisdiction of the case. Judge Warner concurred in the soundness of that opinion. I then forwarded the papers to the Hon. Robert Toombs, and he replied that, after careful examination, he was perfectly satisfied that the Federal Court has no authority to review the case. I will add that these opinions of those eminent gentlemen only confirm me in what has always been my own. So that it may be considered as now finally settled that the Courts of Tennessee have jurisdiction of suits against the Western and Atlantic Railroad; and from the final communication of Mr. Whiteside to Mr. deGraffenried, we are to understand that Tennessee will not surrender that jurisdiction. It remains for the Legislature to determine what course Georgia will pursue in the premises. If it were an original question, with the light of our experience shining upon it, I would urge that the Western and Atlantic Railroad should terminate at our northern boundary; but we have entered Tennessee, and a portion of the road lies within her limits, and the question presented for consideration is, whether under the circumstances, we should withdraw from her borders. It is a very grave question; it ought not to be acted on hastily, nor under the influence of feelings of irritation engendered by past litigation. The interests involved are too great to be put to the jeopardy of precipitate action; and above all, nothing should be done, without a full disavowal of all intention to wound the honor of Tennessee. With a sister State, we must have no quarrel.

To aid in the cultivation of a proper spirit, it will be well to remember, whilst deliberating on this subject, that the causes of action in all the suits which have been determined and of nearly every one now pending, accrued prior to the 1st of November, 1854; and that since that time, there has arisen scarcely any complaint by the citizens of Chattanooga and those shipping from that point, against the management of the Road. This is certainly some evidence, that these suits have not originated alone in a disposition to harass the road, and that the causes in which they did originate, have not again occurred for more than two years. It is not necessary for me, in this connection, to comment on the testimony in the heavy cases which have been determined. It is all in the hands of a Special Committee of the Senate,

who will doubtless report in full. But it is due to candor to say, that so far as I have been able to look into the mass of testimony adduced upon the trial, it has resulted in the impression, that we have much less cause to complain of the recoveries, than is generally supposed.

What will be the result in the numerous cases now pending, it is impossible to know. The aggregate amount sued for, according to the allegations of the various declarations, is very heavy. But it is known to every intelligent man, that the amount of recovery in each case, depends upon the proof, and not upon the allegations of the pleader; and from the best information I am able to obtain, in the absence of the testimony in the cases, which has not yet been collected and prepared, it is perhaps not unsafe to suppose that twelve or fifteen thousand dollars will cover the aggregate sum which will probably be recovered against the road.

It is proper to add, that able and experienced counsel were employed to defend the Western and Atlantic Railroad, and will be, to conduct the cases yet to be determined. The care and labor exhibited in the collection and preparation of the proof are creditable to the industry and capacity of the Commissioner, who has been charged especially with that branch of the cases.

Therefore, in determining the proper action to be taken, it is important to bear in mind the momentous interests involved, to be tender of the sensibilities and honor of a sister State, and to remember that no legislation can reverse the suits already determined, or oust the jurisdiction of those now pending. What you do, must look alone to the future, and should be the result of wise, mature and temperate deliberation.

HERSCHEL V. JOHNSON.

On motion of Mr. Lawton, the message of his Excellency the Governor in relation to the suits in the Courts of Tennessee, against the State of Georgia, was taken up, read and referred to the Special Committee of the Senate, upon the same.

On motion of Mr. Lawton, the message of his Excellency the Governor, in relation to the resolutions purporting to have been passed by the Legislature of Vermont, and ordered to be transmitted to the Governor of Georgia, to be laid before the Legislature of Georgia, was taken up and read, whereupon

Mr. Lawton offered the following resolution, to-wit:

Resolved, That the resolutions of the General Assembly of the State of Vermont, this day transmitted to the Senate by his Excellency the Governor, be returned to his Excellency the Governor, with the request that he return the same to the Governor of Vermont; and that the message of his Excellency, Governor Johnson, be referred to the Committee on the State of the Republic.

Mr. Harris of Worth offered the following resolution:

Whereas, his Excellency the Governor has this day communicated in his message information that he has received certain resolutions from the Governor of Vermont, represented to have been adopted by the Legislature of that State, which resolutions are sent to this Senate by his Excellency Governor Johnson, and upon an inspection of said resolutions, they too plainly inculcate falsehood and ignorance worthy only of bandits and robbers, and unworthy the dignified consideration of a Georgia Legislature,

Be it therefore resolved by the Senate and House of Representatives, That his Excellency the Governor be requested to return said resolutions to the Governor of Vermont, without comment.

Mr. Hill offered the following resolution, to-wit :

Resolved, That the resolution adopted by the Legislature of Vermont, and transmitted to this Senate by Governor Johnson, are insulting and unworthy of the bearing of a sister State; and in view of this,

Resolved, That the people of the State of Georgia know their Constitutional rights in slavery, and will maintain them at all hazards and to the last extremity, and that his Excellency Governor Johnson be instructed to send the resolutions of Vermont back to the Governor of Vermont. with a copy of this resolution.

Pending the further consideration of the message of the Governor, and the resolutions in relation thereto, on motion, the Senate adjourned till to-morrow morning at ten o'clock.

TUESDAY, JANUARY 29th, 1856.

The Senate met pursuant to adjournment.

Mr. Brice reported a bill to compel all persons liable to road duty to perform the same; which was read the first time.

Mr. Cone of Greene reported a bill for the relief of Sarah H. Lamar formerly Sarah A. Andrew ; which was read the first time.

Mr. Harris of Taliaferro reported a bill in relation to the publication of the advertisements of the county officers in the county of Taliaferro ; which was read the first time.

Mr. Hays reported a bill to make legal the election of James Bush to the office of Ordinary of Early county ; which was read the first time.

Mr. King reported a bill to be entitled an act to incorporate the city of Americus in the county of Sumter ; which was read the first time.

Mr. Lawton of Burke reported a bill to authorize the Justices of the Inferior Court of the county of Burke to is-

ue Bonds for the purpose of enabling them to build the Court House of said county, and other public buildings; which was read the first time.

Mr. McMillan reported a bill to be entitled an act to compensate persons in possession of Land whose titles may be defective; which was read the first time.

Mr. Morris reported a bill to amend the claim laws of this State, to settle and make permanent and certain the Court which all claims to personal property levied on by virtue of execution, or other process than attachment from any of the Courts of this State shall be made returnable and triable and for other purposes therein mentioned; which was read the first time.

Mr. Hays laid upon the table the following resolution, to-wit :

Whereas, there is now no daily or tri-weekly mail between Americus and Morgan in Calhoun county and thence by Blakely, Early county, to Woodville, Alabama, and whereas, mail facilities between these points is of great importance and earnestly desired by the people of South-Western Georgia, Alabama and Florida.

Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That our Senators in Congress be instructed, and our Representatives be, and they are hereby requested to obtain from the Post Master General the establishment of a daily or tri-weekly mail between Americus and Woodville, Ala., by the way of Calhoun, Morgan county, and Blakely, Early county, and that a copy of this preamble and resolution be forwarded to each of our Senators and Representatives in Congress.

Mr. Lawson of Burke, also, laid upon the table the following resolution, to-wit :

Whereas the Court House of the county of Burke has been recently destroyed by fire, and the laws of the State belonging to the offices of the Clerk of the Superior and Inferior Court and Ordinary were burned with said Court House.

Be it therefore resolved, That his Excellency the Governor cause to be furnished to each of said offices a copy of Cobb's Digest and of the acts of 1851-2, and 1853-4, and of Cobb's Analysis and Forms.

Mr. Peeples reported a bill to be entitled an act to relieve Executors and Administrators from the necessity of publishing notices of sale of insolvent papers in one of the public gazettes of this State; which was read the first time.

Also, a bill to authorize William Stroud, Adm'r., *de bonis* son, of Wm. H. Parker late of Clarke county, deceased, to settle with and pay off Sheffield H. Parker, an heir at law

of said estate and for other purposes therein named ; which was read the first time.

Mr. Renfroe reported a bill to give Justices of the Peace the right to try all cases of damages when the amount does not exceed fifty dollars ; which was read the first time.

Mr. Scott reported a bill to authorize Jesse L. Ball a minor of the county of Stewart to be an heir-at-law of William Carter of said county ; which was read the first time.

Mr. Screven laid upon the table the following resolution, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor be requested to cause the muskets now in the Arsenals at Savannah and Milledgeville to be exchanged for arms of new model and better pattern, if the same can be done advantageously to the State.

Mr. Whitaker reported a bill to change the line between the counties of Fayette and Spalding ; which was read the first time.

Mr. White reported a bill to amend to the road laws of this State, and to punish persons for injuring mile posts and direction boards and Clerks for neglect of duty ; which was read the first time.

Mr. Wingfield reported a bill to expedite the trials of cases at Law and Equity in the Courts of this State, and for other purposes therein mentioned ; which was read the first time.

Mr. Dickson presented a memorial to the Legislature from the bill holders of the broken banks of Columbus, which on motion was laid on the table without being read.

On motion Messrs. Lawton and Hardeman were granted leave of absence for a few days.

The Senate took up the unfinished business of the last adjournment which was the consideration of the message of his Excellency the Governor in relation to the resolutions from Vermont, and the resolutions in relation thereto.

Mr. Wales moved to refer the same to the Committee on the State of the Republic ; which motion was lost.

Mr. Gibson moved to amend the resolution of Mr. Lawton by inserting the following, to-wit : " being an embodiment of treasonable falsehood."

Mr. McMillan moved to amend by striking out all after the enacting clause, and inserting the following in lieu thereof, to-wit :

Resolved, That the Resolutions transmitted from the State of Vermont to his Excellency the Governor, and by him to this Senate, be filed away and kept as another link in the chain of evidence to be laid before the world in justification of the course which Georgia may ultimately be forced to pursue.

We have no longer reasoning for insulting fanaticism, or argument for perfidious treason against the guarantees of the Constitution, with such, we can only reason through the mouths of our muskets, and impress our arguments by the points of our bayonets.

Mr. Allred called the previous question, which being seconded the main question was put and decided in the affirmative, and the resolution reported by Mr. Lawton was agreed to.

On motion of Mr. Jamison the Senate took up the report of the Committee of the Whole on a bill to lay out and form a new county from the county of Union, and provide for the organization of the same.

The bill was amended by adding the following as additional sections, proposed by the select committee, to-wit:

Sec. 9th. *And be it further enacted*, That so much of Rabun county as is included in the following bounds be added to, and become a part of said new county, beginning on the North Carolina line on the north-west corner of Rabun county and thence running east with said line to the north-east corner of Lot of Land number ninety-four, in the first district of Rabun county, thence running south to the south-east corner of Lot number sixty-seven in the said first district, thence running a straight line to the south-east corner of Lot of Land number one hundred and seventy-two in the 8th district and first section of Union county, thence north to the starting point.

Sec. 10th. *And be it further enacted*, That all civil and military officers elected in said new county may take the usual oath of office before any person qualified by law to administer an oath.

On motion of Mr. Jamison the 7th section was amended by inserting the words, "fourth Monday in April and fourth Monday in October."

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question, 'Shall his bill now pass?' the yeas and nays were required to be recorded, and are yeas 34, nays 53.

Those voting in the affirmative are Messrs. Ashe, Beall, Bloodworth, Brown of Baldwin, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Dabney, Gordon, Grant, Guerri, Jamison, King, Knight, Long, McDonald, McMillan, Moore of Cobb, Morris, Murphy, Murray, Patterson of Gilmer, Paulk, Ponder, Poole, Ragan, Strickland, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Avery, Baxter, Beasley, Billups, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Causey, Colbert, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Hale, Hamilton, Harris of Taliaferro, Harris of Worth,

Head, Hill, Hines, Howell, Landrum, Maddux, Matthews, McCrimmon, McIntosh, Moody, Moore of Lincoln, Patterson of Jefferson, Peeples, Pharr, Pope, Reddish, Renfroe, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Sumner, Swinney, Wales and Wynn.

So the bill was lost.

On motion of Mr. Peeples the rules were suspended, and the Senate took up the report of the Committee of the Whole on the bill to appropriate money for the completion of the State Lunatic Asylum and for other purposes.

On motion of Mr. McIntosh the same was taken up by sections.

Mr. Dabney moved to amend the first section by striking out the proviso, in relation to the payment of the appropriation out of the proceeds of the Western & Atlantic Railroad.

Mr. Screven moved to amend the 1st section by inserting the words, "out of the profits of the State road, and if there be no profits then out of any funds in the State Treasury not otherwise appropriated; which motion was lost.

The motion of Mr. Dabney to strike out the proviso was then agreed to.

Pending the consideration of the second section, on motion of Mr. Harris of Worth, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the consideration of the report of the Committee of the Whole on a bill to appropriate money for the completion of the State Lunatic Asylum.

The report of the Committee of the Whole as amended was agreed to, the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 52, nays 42.

Those voting in the affirmative are Messrs. Avery, Baxter, Beasley, Brice, Brown of Baldwin, Buchanan, Calhoun, Camden, Carlton, Coffee, Cone of Greene, Cumming, Dabney, Dunnagan, Dupree, Gordon, Grant, Guerry, Hale, Hays, Head, Hines, Jamison, King, Knight, Landrum, Lawson of Burke, Long, Maddux, Matthews, McCrimmon, McDonald, McIntosh, Moody, Murphy, Murray, Nichols, Patterson of Jefferson, Peeples, Pharr, Ragan, Reddish, Rudisill, Shropshire, Scott, Screven, Spalding, Studstill, Swinney, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Asho, Atkinson, Beall, Billups, Bloodworth, Brown of Gwinnett, Cannon, Cantrell, Causey, Chastain, Colbert, Crowder, Dixon, Fambro, Gray, Gibson, Griffin, Hamilton, Harris of Taliaferro, Hill, Howell, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Patterson of Gilmer, Paulk, Ponder, Poole, Pope, Rentroe, Robinson, Sapp, Simms, Strickland, Sumner, Turner, Wales, Ware, Wellborn and White.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Hunt, their Clerk, *pro tem.*, to-wit :

Mr. President: The House of Representatives have passed the following bill, to-wit :

A bill to be entitled an act to authorize and empower Charles S. Arnold of the county of Chatham to marry again, and for other purposes.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary :

Mr. President: The Governor has approved and signed the following acts, to-wit :

An act to change the time of holding the Superior and Inferior Courts in certain counties therein named.

An act to change the time of holding the Superior Courts of the county of Newton, and to allow two weeks for holding the same, and for other purposes therein mentioned.

Leave of absence, for a few days, was on motion, granted to Messrs. Cumming and Maddux.

The Senate took up the report of the Committee of the Whole on a bill to abolish imprisonment for debt, except in certain cases.

On motion of Mr. Peebles the same was laid upon the table for the balance of the session.

The Senate took up the report of the Committee of the Whole on a bill to compel Executors, Administrators, Guardians, and all other persons that take notes with security to have them renewed within twelve months after they become due, or to bring suit within three months thereafter.

On motion of Mr. Shropshire the 1st section was amended by striking out the word, "January," and insert the word "May."

Mr. Buchanan moved to amend the 1st section by inserting after the word 'security,' the words, 'which shall be endorsed,' which was lost.

The report of the committee as amended was agreed to, the bill was read the third time and lost.

On motion of Mr. Spalding the regular order was suspended and the Senate took up the report of the Committee of the Whole on a bill to appoint Commissioners of Pilotage

for the navigable waters of the Port of Darien in the county of McIntosh.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Guerry the rules were suspended, and the following bill of the House was taken up, and read a second time, to-wit:

A bill to authorize Avner Burnam of Houston county as guardian of James R. R. Haddock to settle with and pay over to his ward's estate, and for other purposes therein named.

The Senate took up the report of the Committee of the Whole on a bill lay out and organise a new county from the counties of Lee and Randolph.

Mr. Guerry moved to amend the same by striking out all after the enacting clause, and inserting in lieu thereof: A bill to be entitled an act to lay out and organise a new county from the counties of Lee and Randolph, to repeal an act entitled an act to make permanent the public site in the county of Lee at Starkville, and to incorporate the same; to designate the corporate limits thereof, to appoint Commissioners for the same and to define their powers, approved December 26th, 1851, and to provide for the selection of a new county site, and for other purposes herein mentioned, approved February 7th, 1854, to locate permanently the public site of the county of Lee at Starkville; to compensate the lot owners of the town of Webster, and for other purposes.

Pending the further consideration, on motion of Mr. Carlton the Senate adjourned till ten o'clock to-morrow morning.

WEDNESDAY, JANUARY 30th, 1856.

The Senate met pursuant to adjournment.

Mr. McMillan moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate upon the message of his Excellency the Governor communicating certain Resolutions from the State of Vermont.

Whereupon the yeas and nays were required to be recorded, and are yeas 29, nays 62.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Brice, Cantrell, Chastain, Gray, Gibson, Gordon, Griffin, Hamilton, Harris of Worth, Head, Howell, Jamison, Lawson of Burke, Long, Matthews, McDonald, McMillan, Moore of Cobb, Morris, Nichols, Patterson of Gilmer, Ponder, Poole, Renfro, Sapp, Whitaker and White.

Those voting in the negative are Messrs. Allred, Baxter, Beasely, Billups, Bloodworth, Brown of Baldwin, Brown of

Gwinnett, Buchanan, Calhoun, Camden, Cannon, Carlton, Causey, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Fambro, Guerri, Hale, Harris of Taliaferro, Hays, Hill, Hines, King, Landrum, Lott, Maddux, McCrimmon, McIntosh, Moody, Moore of Lincoln, Murphy, Murray, Patterson of Jefferson, Paulk, Peeples, Pharr, Pope, Ragan, Reddish, Robinson, Rudisill, Shropshire, Simms, Scott, Screven, Smith, Spalding, Strickland, Studstill, Sumner, Swinney, Turner, Wales, Ware, Wellborn and Wynn.

So the motion to reconsider was lost.

Mr. Junison moved to reconsider so much of the Journal of yesterday as relates to the rejection of the bill to lay out and form a new county from Union and Rabun; which motion was agreed to.

Mr. Chastain moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate, in relation to the passage of the bill to appropriate money for the completion of the Lunatic Asylum; whereupon the yeas and nays were required to be recorded, and are yeas 76, nays 11.

Those voting in the affirmative are Messrs. Allred, Ashe, Atkinson, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Grant, Griffin, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Hill, Hines, Howell, Jamison, Landrum, Lott, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Reddish, Renfroe, Robinson, Sapp, Shropshire, Simms, Smith, Spalding, Strickland, Sumner, Swinney, Turner, Wales, Ware, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Baxter, Beasley, Cumming, Guerri, King, Knight, Lawson of Burke, Long, Ragan, Rudisill, Screven and Wynn.

So the motion to reconsider prevailed.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

Mr. President : The House of Representatives passed the following bills, to-wit :

A bill to be entitled an act to lay out and organize a new county from the counties of Thomas and Lowndes, and for other purposes.

A bill to be entitled an act to lay out and organize a new county from the counties of Lowndes, Irwin and Coffee, to be called Berrien county, to attach the same to the Southern

Judicial Circuit, to the first Congressional District, and to the second Brigade and sixth Division, Georgia Militia.

A bill be entitled an act to incorporate the Indian Springs Male and Female Academies, and appoint Trustees therefor.

A bill to be entitled an act to add additional sections to the fourteenth division of the Penal Code of the State of Georgia.

A bill to be entitled an act for the relief of Caleb J. Moncrief and Young J. Browning, citizens of the county of Meriwether.

They have also passed the following bill of the Senate, to-wit :

A bill to be entitled an act for the relief of the estate of Joseph White, late of the county of Stewart, deceased.

They have concurred in the amendment of the Senate to the bill of the House to be entitled an act to amend the act incorporating the Georgia Military Institute, and to appropriate money for the same.

They have also concurred in the resolution of the Senate appointing a committee of conference to ascertain and report at what time the General Assembly will be prepared to adjourn *sine die* ; and have appointed on their part, Messrs. Thornton, Irwin and Lawton.

On motion of Mr. Lawson the following bill was taken up, and read a second time, to-wit :

A bill to authorise the Justices of the Inferior Court of the county of Burke to issue bonds for the purpose of enabling them to build the Court House of said county, and other public buildings.

On motion of Mr. Lawson the resolution introduced on yesterday in relation to furnishing the laws of this State to the Clerks of Superior and Inferior Court and Ordinary of Burke county, was taken up, read and agreed to, and ordered to be forthwith communicated to the House of Representatives.

On motion of Mr. Screven the following bill of the House of Representatives was taken up, and read the first time, to-wit :

A bill to authorize and empower Charles S. Arnold of the county of Chatham to marry again, and for other purposes.

On motion of Mr. Hays the following bill was taken up, and read a second time, to-wit :

A bill to make legal an election of James Bush to the office of Ordinary of Early county.

On motion of Mr. Moore of Cobb, the following bills were taken up, and read a second time, to-wit :

A bill for the relief of Harriet P. Boyd of the county of Cobb.

Also, a bill for the relief of administrators, executors and guardians, so far as to remove their disqualification from holding the office of Ordinary or Deputy Ordinary in the several counties in this State.

On motion of Mr. Allred the rules were suspended, and the Senate took up the report of the Committee of the Whole on a bill to compensate Grand and Petit Jurors of the county of Pickens, and that the Justices of the Inferior Court levy an extra tax for this purpose.

Mr. Chastain moved to amend by inserting the following as an additional section :

And be it further enacted, That the provisions of this act shall apply to the county of Fannin; which was agreed to.

On motion of Mr. Gordon the same was further amended by inserting the following as an additional section :

And be it further enacted, That the provisions of this act shall apply to the county of Walker.

On motion of Mr. Morris the same was further amended by inserting the following as an additional section, to-wit :

And be it further enacted, That the provisions of this act shall apply to the county of Murray.

The report as amended was agreed to the bill was read the third time and passed.

On motion of Mr. Screven the following bill was taken up and read a second time, to-wit :

A bill to authorize the City Council of Savannah to elect or appoint ten Auctioneers or vendue masters.

On motion of Mr. Wingfield, the Senate took up the report of the committee of the Whole on a bill for the relief of James Wright, and other securities of Stephen Wright formerly Tax Collector of Putnam county from the payment of twenty per centum interest per annum on an execution issued by the Comptroller General of this State against the said Stephen Wright, Tax Collector as aforesaid and said James Wright, Jr., and others, securities of the same, on the first day of October, 1855, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Wynn the following bill was taken up, and read a second time :

A bill to repeal an act entitled an act to reduce the fees of the several Tax Collectors hereafter to be elected for the county of Liberty, and for other purposes therein named.

On motion of Mr. Long the reconsidered bill appropriating money to complete the Lunatic Asylum. was referred to a committee of five.

On motion of Mr. Pope the report of the committee appointed to investigate when the General Assembly shall adjourn, *sine die*, was taken up, to-wit :

That the General Assembly do adjourn, *sine die*, on the 20th of February next; the report was agreed to, and on motion the same was ordered to be forthwith communicated to the House of Representatives.

The committee appointed by the Chair in relation to the bill appropriating money to complete the Lunatic Asylum, were Messrs. Long, Landrum, Brown of Baldwin, McMillan and Wellborn.

On motion, leave of absence was granted to Messrs. Bilups and Newton.

On motion the Senate adjourned till ten o'clock to-morrow morning.

THURSDAY, JANUARY 31st, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Dunnagan of Hall, the rules were suspended to enable him to report the following bill, to-wit :

A bill to repeal a part of the Common and Statute Laws of England, of force in this State, and to change the laws of corporations; which was read the first time.

The Senate took up the unfinished business, which was the consideration of the report of the committee of the Whole on a bill to lay out and organise a new county from the counties of Lee and Randolph.

The motion of Mr. Guerry to strike out all after the enacting clause, and insert a substitute offered by him in lieu thereof, was agreed to.

The report of the committee of the Whole as amended was agreed to; the bill was read the third time and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 53, nays 28.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Bloodworth, Brice, Brown of Baldwin, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Greene, Dabney, Gordon, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris of Worth, Hays, Head, Hines, Howell, Jamison, Jeter, Knight, Lawson of Burke, Long, Lott, Matthews, McDonald, McMillan, Moody, Murray, Patterson of Gilmer, Paulk, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Robinson, Rudisill, Sapp, Screven, Smith, Strickland, Swinney, Ware, White, Wingfield and Wynn.

Those voting negative are Messrs. Allred, Avery, Baxter, Brown of Gwinnett, Buchanan, Calhoun, Camden, Colbert, Crowder, Dunnagan, Dupree, Fambro, Gray, Gibson, Harris of Taliaferro, Hill, McCrimmon, McGuire, Moore of

Lincoln, Morris, Patterson of Jefferson, Pharr, Shropshire, Studstill, Sumner, Wales, Wellborn and Whitaker.

So the bill was passed.

The Senate took up the regular order, which was the consideration of the report of the committee of the Whole on a bill to alter and amend the 12th section of the 2d article, and the 1st section of the 3d article of the Constitution, so as to give the election of Judges of the Supreme Court, Secretary of State, Treasurer and Surveyor General, to the people.

Mr. Cone moved to amend the same by striking out the first section; which motion was agreed to. The report of the committee of the whole as amended was agreed to; the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 48, nays 23.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Baxter, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Gordon, Hale, Hamilton, Harris of Worth, Hays, Head, Hill, Long, Moody, Morris, Murray, Ponder, Pope, Ragan, Reddish, Renfroe, Robinson, Shropshire, Simms, Smith, Spalding, Studstill, Sumner, Turner, Wales, Ware, Wellborn and White.

Those voting in the negative are Messrs. Brown of Baldwin, Camden, Cannon, Gibson, Hardeman, Harris of Taliaferro, Howell, Jamison, Knight, Lawson of Burke, Lott, Matthews, McCrimmon, McDonald, McGuire, Patterson of Gilmer, Patterson of Jefferson, Paulk, Rudisill, Screven, Strickland, Whitaker and Wynn.

So the bill was passed by a constitutional majority under the following title:

A bill to alter and amend the 12th section of the second article of the Constitution of this State, so as to give the election of Secretary of State, Treasurer and Surveyor General to the people.

The special order of the day being called for, Mr. Spalding moved to postpone the same and make it the special order for Thursday next, so far as relates to the bill for the sale of the Western and Atlantic Rail-road.

Mr. McMillan moved that the bill in relation to the North-Eastern Rail-road, be postponed and made the special order for Thursday next.

A division of the question was called for; upon agreeing to the motion of Mr. Spalding, the yeas and nays were required to be recorded and are yeas 34, nays 45.

Those who voted in the affirmative are Messrs. Brown of Baldwin, Brown of Gwinnett, Calhoun, Causey, Coffee, Hamilton, Hardeman, Hays, Hines, Jamison, Lawson of

Burke, Long, Matthews, McDonald, McIntosh, McMillan, Moody, Moore of Lincoln, Morris, Paulk. Ponder, Pope, Ragan, Reddish, Robinson, Rudisill, Sapp, Simms, Screven, Smith, Spalding, Studstill, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Baxter, Bloodworth, Brice, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Colbert, Cone of Greene, Crowder, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Head, Hill, Howell, Lott, McGuire, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Renfroe, Shropshire, Strickland, Sumner, Turner, Wales, Ware, Welborn, Whitaker and White.

So the motion to postpone the bill was lost.

On motion of Mr. Strickland, the rules were suspended and the bill to manumit Daniel, a negro man, and Lucinda, a negro woman, the slaves of Harrison W. Riley of Lumpkin county, was taken up and referred to the committee on the Judiciary.

On motion of Mr. Hays, the rules were further suspended and the Senate took up the report of the committee of the Whole on a bill to make legal an election of James Bush to the office of Ordinary of Early county.

Mr. Gibson moved to amend the same by adding the following as an additional section, to-wit:

Be it further enacted by the authority aforesaid, That the acts of John D Pilcher as the Deputy Ordinary of the county of Warren be, and they are hereby legalised and declared valid as the acts of the Ordinary of the county of Warren; which motion was agreed to.

The report of the committee was agreed to, as amended; the bill was read the third time and passed under the following title thereof:

A bill to make legal the election of James Bush to the office of Ordinary of Early county; and to legalise the acts of John D. Pilcher, Deputy Ordinary of Warren county.

On motion of Mr. Lawson of Burke, the Senate took up the report of the committee of the Whole on a bill to authorise the Justices of the Interior Court of the county of Burke to issue bonds for the purpose of enabling them to build the court house of said county, and other public buildings.—The report of the committee was agreed to: the bill was read the third time and passed.

On motion of Mr. Long the following bill of the House of Representatives, was taken up and read a second time, to-wit:

A bill to authorise and empower Charles S. Arnold of the county of Chatham to marry again, and for other purposes.

On motion of Mr. Jeter, the following resolution was taken up and agreed to, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Governor be authorised to issue to the magistrates of the 710th district in Marion county, the books usually allowed to magistrates in this State.

On motion of Mr. Carlton, the following resolution was taken up and agreed to, to-wit:

Resolved by the Senate and House of Representatives, That his Excellency the Governor be requested to furnish the Justices of the Peace of the 1134th district, G. M., of the county of Campbell, such law books and forms as are usually furnished said officers for the use of said district.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the Whole on a bill to sell the Western and Atlantic Rail-road; and to incorporate and confer certain powers upon the purchasers.

On motion the bill was taken up by sections.

Mr. Spalding moved to strike out all after the enacting clause, and insert the bill and amendments as reported by the special committee to whom the same was referred.

A division of the question was called for; and the motion to strike out was agreed to.

Mr. Ashe moved to fill the blank in the second section with the words "ten million;" whereupon the yeas and nays were required to be recorded and are yeas 46, nays 39.

Those voting in the affirmative are Messrs. Allred, Ashe, Atkinson, Avery, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gordon, Griffin, Hale, Hamilton, Harris of Taliaferro, Howell, Jamison, King, Knight, Lawson of Burke, Long, Lott, McGuire, Moore of Cobb, Morris, Nichols, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Reddish, Robinson, Rudisill, Shropshire, Smith, Strickland, Sumner, Ware, Whitaker and White.

Those voting in the negative are Messrs. Baxter, Beasley, Bloodworth, Cannon, Carlton, Causey, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Hardeman, Hays, Head, Hill, Hines, Matthews, McCrimmon, McIntosh, McMillan, Moody, Moore of Lincoln, Murray, Paulk, Poole, Pope, Ragan, Renfroe, Simms, Screven, Spalding, Studstill, Turner, Wales, Wellborn, Wingfield and Wynn.

So the motion was agreed to.

Mr. Calhoun moved to postpone the bill indefinitely;—whereupon the yeas and nays were required to be recorded and are yeas 35, nays 43.

Those voting affirmative are Messrs. Atkinson, Avery, Beasley, Brice, Brown of Bald'n, Causey, Dupree, Gibson, Guerri, Hamilton, Hardeman, Hays, Hines, Jeter, Lott, Matthews,

McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Lincoln, Ponder, Poole, Pope, Reddish, Robinson, Sapp, Simms, Swinney, Wales, Wellborn and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Baxter, Bloodworth, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dixon, Dunnagan, Fambro, Gray, Gordon, Griffin, Hale, Harris of Taliaferro, Head, Hill, Howell, Jamison, King, Lawson of Burke McGuire, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ragan, Renfroe, Rudisill, Shropshire, Screven, Smith, Strickland, Sumner, Turner, Ware, Whitaker, White and Wingfield.

So the motion was lost.

Mr. Sims moved that the bill lie on the table for the present; whereupon the yeas and nays were required to be recorded and are yeas 32, nays 49.

Those voting in the affirmative are Messrs. Allred, Ashe, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Griffin, Guerry, Hale, Harris of Taliaferro, Howell, Lawson of Burke, Moore of Cobb, Morris, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr, Renfroe, Shropshire, Smith, Strickland, Sumner, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Atkinson, Avery, Beasley, Cannon, Carlton, Causey, Cone of Greene, Dixon, Dunnagan, Dupree, Fambro, Gibson, Hamilton, Hardeman, Head, Hines, Jeter, King, Matthews, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moore of Lincoln, Murray, Nichols, Ponder, Poole, Pope, Ragan, Reddish, Robinson, Rudisill, Sapp, Simms, Scott, Screven, Spalding, Studstill, Swinney, Turner, Wales, Wellborn, and Wynn.

So the motion was lost.

Mr. Buchanan moved to amend the second section, by striking out the words "or within such time as the Governor may require," which motion was agreed to.

On motion of Mr. Spalding, the ninth section was amended by filling the blank with the words "thirty days."

Pending the further consideration thereof, on motion of Mr. Carlton, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Hardeman, a call of the Senate was

made, when the following senators appeared and answered to their names, to-wit :

Messrs. Ashe, Bloodworth, Buchanan, Camden, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Fambro, Gordon, Grant, Guerry, Hale, Hardeman, Harris of Worth, Head, Hill, Hines, Howell, Jamison, Long, Lott, Matthews, McDonald, McGuire, McIntosh, McMillan, Moore of Lincoln, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ponder, Poole, Pope, Reddish, Renfroe, Rudisill, Shropshire, Scott, Screven, Spalding, Studstill, Sumner, Swinney, Turner, White and Wynn.

Mr. Hardeman from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate:

A bill to amend the act incorporating the Georgia Military Institute, and to appropriate money for the same.

Also, as duly enrolled and ready for the signature of the President of the Senate:

An act for the relief of the estate of Joseph White, late of the county of Stewart, deceased.

Mr. Long moved that the regular order be suspended, and that the Senate proceed to read bills a second time; whereupon the yeas and nays were required to be recorded and are yeas 40, nays 34.

Those voting in the affirmative are Messrs. Brown of Baldwin, Carlton, Causey, Crowder, Dupree, Fambro, Guerry, Hale, Hamilton, Hardeman, Harris of Worth, Head, Hill, Hines, Knight, Long, Lott, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moore of Lincoln, Murray, Ponder, Pope, Reddish, Renfroe, Rudisill, Simms, Scott, Screven, Smith, Spalding, Studstill, Swinney, Wales, Wellborn and Wynn.

Those voting in the negative are Messrs. Ashe, Avery, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dixon, Dunnagan, Gray, Gibson, Gordon, Grant, Lawson of Burke, McGuire, Moore of Cobb, Morris, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr, Poole, Sapp, Turner, Ware, Whitaker and White.

There not being a majority of two-thirds, the motion was lost.

The Senate took up the unfinished business of the morning, which was the consideration of the report of the committee of the Whole on a bill for the sale of the Western and Atlantic Rail-road.

Mr. Hardeman moved to postpone the same until Monday

next; whereupon the yeas and nays were required to be recorded and are yeas 49, nays 42.

Those voting in the affirmative are Messrs. Atkinson, Avery, Brown of Baldwin, Carlton, Causey, Cone of Greene, Crowder, Dixon, Fambro, Gray, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Head, Hill, Hines, Jamison, Jeter, Knight, Long, Lott, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Lincoln, Murray, Ponder, Pope, Reddish, Renfroe, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Smith, Spalding, Studstill, Swinney, Wales, Wellborn, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Baxter, Beasely, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Dupree, Gibson, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Howell, Lawson of Burke, McGuire, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr, Poole, Ragan, Strickland, Sumner, Turner, Ware, Whitaker and White.

So the motion prevailed.

The Senate took up the regular order, which was the consideration of the report of the committee of the Whole on a bill to prevent counsel from presiding as Judges in cases in which they had been consulted and employed before their election, and to provide for the trial of such cases.

Mr. Nichols moved to postpone the same indefinitely;—which was lost.

On motion of Mr. Hill, the same was laid upon the table from the present.

The Senate took up the report of the committee of the Whole on a bill to curtail the labor in taking cases to the Supreme Court by writ of error.

On motion of Mr. Wingfield, the same was referred to a committee of three.

The committee appointed by the Chair are Messrs. Wingfield, Calhoun and McMillan.

The Senate took up the report of the committee of the Whole on a bill to expedite suits of law and equity in certain cases and for other purposes. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to give endorsers the control of *fi fas* in all cases in which they may have paid them off, against the principal or any prior endorser. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to provide for and prescribe the mode of taking testimony of witnesses *de bene esse* in cases where the matter of controversy is not pending in any court. The re-

port of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to create and lay off a new Judicial circuit to be called the Lumpkin Circuit.

On motion of Mr. Sims, the same was indefinitely postponed.

The Senate took up the report of the committee of the Whole on a bill to alter and amend an act entitled an act to alter and amend the several judiciary acts now in force in this State, so far as relates to Justices' Courts; approved December 14th, 1811.

Mr. Beasley moved to amend the same by striking out all after the enacting clause and inserting in lieu thereof, a bill to permit practising attorneys to hold the office and discharge the duties of the Justices of the Peace; which was agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act to regulate the peddling on clocks in this State.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the Whole on a bill to prevent the sale or gratuitous distribution of spirituous liquors within five miles of the Court House and election precincts during the session of the Superior or Inferior Courts or on the election days.

Mr. Hardeman moved to amend the same by striking out the words "this State" and insert the word "Clinch," which was agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to prescribe the mode of taxing costs in this State.

On motion the same was amended by striking out the words "under the direction of said Court" after the words "item by item;" and to strike out the words "of reversal of the judgment," as proposed by the Judiciary Committee.—The report as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to grant aid to the Savannah, Albany and Gulf Rail-road.

On motion of Mr. Screven, the same was laid on the table for the present.

The Senate took up the report of the committee of the Whole on a bill to create a new circuit, to be taken from the Blue Ridge and Coweta Circuits.

On motion the same was laid on the table.

The Senate took up the report of the committee of the Whole on a bill to require the State Printing to be done at the Seat of Government.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the Whole on a bill to compensate the superintendents of elections in this State.

On motion of Mr. Sims, the same was indefinitely postponed.

The Senate took up the report of the committee of the Whole on a bill to change and locate the North-Western terminus of the Western & Atlantic Rail-road, and for other purposes therein specified.

On motion, the same was made the special order for Monday next.

The Senate took up the report of the committee of the Whole on a bill to make punishable as a breach of the peace the speaking of opprobrious words. The report of the committee was disagreed to; and the bill was lost.

On motion the Senate adjourned till ten o'clock to-morrow morning.

FRIDAY, FEBRUARY 1st, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Pope, so much of the Journal of yesterday as relates to the action of the Senate upon a bill to prevent the sale or gratuitous distribution of spirituous liquors within five miles of the Court House and election precincts during the session of the Superior Courts, or on the election days, was reconsidered.

On motion of Mr. Pope, the Senate took up the report of the Committee of the Whole on a bill to authorise and empower Charles S. Arnold of the county of Chatham to marry again, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed, and the same ordered to be forthwith transmitted to the House of Representatives.

Mr. Allred reported a bill to reduce the Sheriff's Bond of the county of Pickens, which was read the first time.

Also, a bill accompanied by a petition to change the line between the counties of Pickens and Lumpkin, so far as to include the residence of Daniel P. Monroe, in the county of Pickens, and for other purposes; which was read the first time.

Mr. Brown of Baldwin reported a bill amendatory of an act entitled an act to incorporate the Trustees of the Mason-

ic Hall in the town of Milledgeville; which was read the first time.

Also, a bill accompanied by a petition, to alter and change the line of Wilkinson and Baldwin counties, so as to include the residence of Charles Ivey now in Wilkinson to Baldwin county; which was read the first time.

Mr. Brown of Gwinnett reported a bill to incorporate the Appalachie Mining Company, and to confer certain privileges on the same; which was read the first time.

Mr. Coffee reported a bill more effectually to define the duties of Brigade Inspectors and regulate their pay; which was read the first time.

Mr. Dabney reported a bill to amend certain sections of the act amending the act incorporating the town of Calhoun; which was read the first time.

Mr. Fambro reported a bill to define the liability of Rail Road Companies in this State, and for other purposes; which was read the first time.

Mr. Gibson reported a bill to make parties in the Supreme Court, and for other purposes; which was read the first time.

Mr. Gibson from the Judiciary Committee asked leave to report, that they have had under consideration a bill to be entitled an act to manumit Daniel and Lucinda slaves of Harrison W. Riley of Lumpkin county, and report back the same without recommendation, except that said slaves be relieved from paying any more tax than is usual for free negroes to pay.

Mr. Harris of Worth reported a bill for the relief of Robert G. Ford of the county of Worth; which was read the first time.

Mr. Hays reported a bill to authorize the Georgia and Florida Rail-road Company to construct a branch road; which was read the first time.

Also, a bill to change the times of holding the Superior and Inferior Courts of Early county; which was read the first time.

Mr. Head reported a bill for the relief of George M. Hodges and Josiah Hill of the county of Macon; which was read the first time.

Also, a bill to change the line between Macon and Sumter counties; which was read the first time.

Mr. Hill reported a bill to alter and change the times of holding the Superior Courts of the counties of Marion, Harris and Muscogee, and for other purposes therein mentioned; which was read the first time.

Also, a bill to amend an act, approved December 17th, 1847, so as to require all parties desiring to take testimony

in conformity with said act, to give the opposite party notice; which was read the first time.

The following resolution was laid on the table by Mr. Bloodworth, to-wit :

Whereas the citizens of Carroll county, Georgia, are labouring under great disadvantage for the want of proper mail facilities to Carrolton :

Be it therefore resolved by the Senate and House of Representatives of the General Assembly of the State of Georgia, That our Senators and Representatives in Congress be, and they are hereby requested to use their influence to have the mail route from Newnan and Carrolton so changed as to make it a tri-weekly route.

Mr. Jeter reported a bill to allow persons owning Livery Stables in the State, the same lien that Tavern Keepers now have; which was read the first time.

Mr. Knight reported a bill to prevent free negroes from owning wagons and teams in their own right and contracting for carrying freights, and for other purposes; which was read the first time.

Also, a bill to authorize Pliny Sheffield, a minor, to receive and inherit property, to contract and be contracted with, and do all acts that he might or could do, if he was of full age; which was read the first time.

Mr. Buchanan reported a bill to amend the second section of an act entitled an act to prevent damages arising from dams or banks, and for preventing persons from stopping the natural course or courses of water to the injury of their neighbors, approved September 29th, 1773; which was read the first time.

Mr. Buchanan laid upon the table the following resolution, to-wit :

Whereas, John B. Beall of the county of Carroll, son of Gen. William Beall has enlisted into Company J. first regiment of Cavalry United States Army, And, whereas, the said John B. Beall is a young man of good moral character, and well educated, and devoted to the profession of arms, and whereas the said John B. Beall by his capacity and good behavior has been promoted to the highest non-commissioned office in said Company, And whereas it is believed that the said John B. Beall would serve the country with honor to himself, and credit to his native State,

Be it therefore resolved by the General Assembly of the State of Georgia, That our Senators and Representatives in Congress be requested to exert their influence to procure for the said John B. Beall a commission in the United States Army. And that the Governor be requested to furnish each of our Senators and Representatives in Congress with a copy of this Resolution.

Mr. McGuire reported a bill to authorize the Justices of the Inferior Court to lay off the county of Floyd into School Districts, and for other purposes ; which was read the first time.

Mr. Moore of Cobb reported a bill to regulate and establish the fees and cost of Solicitors General, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Coroners, Justices of the Peace and Constables in the several Circuits and counties of this State ; which was read the first time.

Mr. Paulk reported a bill to add the county of Irwin to the second Congressional District of Georgia ; which was read the first time.

Mr. Shropshire laid upon the table the following resolution, to-wit :

Whereas, the present Superintendent of the Western & Atlantic Rail-road in the faithful discharge of his duty lately raised the freights upon said Road from, and to the city of Chattanooga, with reference to countervailing certain unjust and unreasonable recoveries lately had in the Courts of the State of Tennessee against the State of Georgia ; and whereas said officer has been publicly assailed for his fidelity to the State of Georgia,

Be it therefore resolved, That Georgia will stand by her public servant in the discharge of his duty.

Be it further resolved, That Georgia will not submit to have the entire profits of her great public work absorbed by seventeen miles of the Road in a sister State.

Mr. Screven reported a bill to define and extend the powers of the Union Society, city of Savannah ; which was read the first time.

Also, a bill to give persons furnishing boards, lumber, bricks and other materials for building or repairing houses, a lien and encumbrance on the houses in which the materials so furnished have been used, so far as relates to the city of Savannah and county of Chatham, to point out the mode of collecting the same, and for other purposes ; which was read the first time.

Mr. Smith of Jones reported a bill to prevent fraudulent claims to negro and other property ; which was read the first time.

Also, a bill to be entitled an act to regulate the inheritance of estates of deceased husbands.

On motion of Mr. Buchanan one hundred and twenty copies of the same were ordered to be printed.

Mr. Studstill reported a bill to be entitled an act in relation to measurers of timber, &c. ; which was read the first time.

Mr. Wellborn reported a bill to prescribe an additional mode other than by certiorari for removing cases from any Justices Court in this State, to the next Inferior Court of the county in which said case is tried, by appeal, and to pre-

scribe the rules therefor, and other for purposes therein mentioned ; which was read the first time.

Mr. Wingfield reported a bill to incorporate Morning Star Lodge, No. 50, independent order of Odd-Fellows, Eatonton, Putnam county ; which was read the first time.

On motion of Mr. Cantrell the Senate took up the bill in relation to the formation of a new county from Lumpkin and Gilmer, and the same was made the special order for Monday next.

On motion of Mr. Head the Senate took up and read a second time, to-wit : A bill to submit the question of removal of the Court House of Macon county to the people thereof.

On motion of Mr. Rudisill the Senate took up the report of the Committee of the Whole upon a bill to be entitled an act for the relief of Henry Cox of the county of Washington ; the report of the Committee of the Whole was agreed to ; the bill was read the third time and passed.

On motion of Mr. Dunnagan the following resolution was taken up, and agreed to, to-wit :

Resolved by the Senate, That all bills for the incorporation of Camp Grounds, church and charitable societies be referred to a select committee.

The Committee appointed by the Chair were Messrs. Dunnagan, Wellborn and Bloodworth.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

Mr. President: The House of Representatives have passed the following bills, viz :

A bill to be entitled an act to incorporate the Hightower Mining Company.

A bill to be entitled an act to incorporate the Griffin Savings and Mutual Loan Association.

A bill to be entitled an act to amend an act to incorporate a bank in the city of Savannah to be called the Mechanics and Traders Bank, approved February 17th, 1854, to apply the provisions of said act to the Bank of Commerce, and for other purposes therein mentioned.

They have also passed a resolution requesting the Governor to furnish the 1139th Militia District in Coweta county with Cobb's Digest and Analysis, and also, with the acts and Journals of 1853-4, and 1855 and '56 ; to which they ask the concurrence of the Senate.

The Senate took up the regular order, which was the consideration of the report of the committee of the Whole on a bill in relation to the fees of the Attorney General and Solicitors General of this State ; the report of the committee was disagreed to ; and the bill was lost.

The Senate took up the report of the committee of the Whole on a bill declaring under what circumstances the tes-

timony of witnesses may be taken by commission, and to regulate the manner of taking and returning the same, and appointing Commissioners to execute the same, and for other purposes therein mentioned.

On motion of Mr. Hardeman the same was amended by inserting in the 4th section, after the word 'Superior,' the word 'Inferior,' and that the same be also inserted in each section where it is applicable.

Mr. McMillan moved to amend by striking out all after the first section, and inserting a substitute in lieu thereof.

On motion of Mr. Wingfield the original and substitute were referred to a select committee.

The committee appointed by the Chair were Messrs. Wingfield, Cone, Dabney, Calhoun and McMillan.

On motion leave of absence was granted to Messrs. Moore of Lincoln, Beasley, Brice, Peeples, Head, Baxter and Renfroe.

On motion of Mr. Cone of Greene, Mr. Dabney was added to the committee appointed to investigate the suits brought against the State of Georgia, in the Courts of Tennessee.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment

The Senate took up the report of the committee of the Whole on a bill to lay out and form a new county from Randolph and Stewart.

On motion of Mr. Guerry the same was laid upon the table for the present.

The Senate took up the report of the committee of the Whole on a bill to vest that portion of land known as the State's reserve below the city of Macon in the corporate authorities of said city; the report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to compensate the owners of slaves who shall hereafter be executed under the penal laws of the State of Georgia.

Mr. Cone of Greene moved to amend by striking out all after the enacting clause, and inserting in lieu thereof the following, to-wit:

"That when any slave shall be convicted of a capital offence, it shall be the duty of the Jury convicting such slave, to assess the value of such slave, and in the event that such slave is executed, it shall be the duty of the Gov-

error, upon proof that such slave has been executed to draw his warrant upon the Treasury for three fourths of the value of such slave as assessed by the Jury in favor of the owner of such slave; the report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the Whole upon a bill to compensate persons who may be compelled to attend the Superior Courts of this State as witnesses in behalf of defendants in criminal cases in counties other than where such person or persons may reside; the report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the Whole on a bill to define the duties of the Judges of the Superior Courts of the several Judicial Circuits in this State and prevent said Judges from presiding in, or determining causes wherein they have been retained as counsel previous to their election as Judge, to facilitate the trial of cases in Court and reduce the expenses of witnesses, and for other purposes therein mentioned; the report of the committee was agreed to, the bill was read the third time, and on motion postponed for the present.

The Senate took up the report of the committee of the Whole on a bill to add an additional section to the tenth division of the Penal Code of this State; the report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the Whole on a bill to alter and amend the 50th section of the 14th Division of the Penal Code; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to authorize the County Surveyors of the several counties in this State in the absence of the Justices of the Peace, or other officers authorised by law to administer oaths to Commissioners or Partitioners of Land when appointed to perform duties as Commissioners; the report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the Whole on a bill declaring who shall be competent witnesses in the Courts of Law and Equity in this State, and for other purposes.

On motion of Mr. Cone of Greene the same was postponed for the present.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act to protect the citizens of the county of Worth from the injurious consequences of camp-hunting by non-residents.

Mr. Harris of Worth moved to amend by inserting the words "and the county of Richmond"; which motion was agreed to.

Mr. Nichols moved to amend by inserting the words "and the county of Clinch," which motion was agreed to.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole upon a bill to be entitled an act to lay off and organize a new county out of the counties of Lee, Sumter, Dooley and Worth.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the Whole on a bill to reduce the Sheriff's bonds of Worth county, &c.

Mr. Allred moved to amend the first section by inserting after the word 'Worth,' the word, 'Pickens,' which was agreed to.

Mr. Poole moved to amend by adding the following as an additional section, to-wit :

And be it further enacted, That the Sheriff of Hart county shall hereafter be required to give bond only in the sum of "five thousand dollars;" which was agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to repeal an act entitled an act to regulate the testimony of Attorneys at Law, approved Feb'y. 21st, 1850; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act in relation to the public records of counties, when the same has been destroyed by fire declaring that all deeds and other instruments in writing that have been recorded, shall be considered and taken as having been recorded, upon sufficient proof of execution; and declaring what shall be proof of the contents of records as destroyed; the report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act to lay out the county of Towns, and for other purposes.

On motion of Mr. Crowder the same was postponed indefinitely.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act to change the line between the counties of Tattnall and Liberty, so as to include the residence of Henry Kicklighter in the county of Tattnall.

Mr. Poole moved to amend by adding the following as additional sections :

And be it further enacted, That the line between Elbert and Hart be changed so as to run from Stowe's ferry along the old Brown ferry road, now the Stowe's ferry road about six miles, near John S. Curry's, thence with the line as now run or laid out between said counties to the line of T. J. Teasley's land, thence to said Teasley's spring, thence in the same direction to Cold Water Creek, thence up said creek till it intersect the present line.

And be it further enacted, The line between Hart and Franklin be changed so as to run from the former residence of Jephtha A. Bowers to the western corner of William R. Poole's tract of land whereon he now lives, said corner known as Poole's and Bourghouses corner,) thence in a straight line to the Negro's old store place, as described in the act laying out the county of Hart; the motion to amend was agreed to.

Mr. Cone of Greene moved to amend further by adding the following as an additional section, to-wit :

And be it further enacted, That Lots 210 and 211 in the 27th District, third section of originally Cherokee now Walker county be added to, and be made a part of the county of Catoosa, whereupon the yeas and nays were required to be recorded, and are yeas 40, nays 36.

Those voting in the affirmative are Messrs. Atkinson, Avery, Baxter, Bloodworth, Brown of Baldwin, Buchanan, Calhoun, Causey, Crowder, Dixon, Dupree, Gibson, Grant, Hill, Jeter, King, Landrum, Lott, McCrimmon, McIntosh, McMillan, Moore of Cobb, Nichols, Paulk, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Robinson, Shropshire, Simms, Scriven, Smith, Studstill, Wales, Ware, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Chastain, Coffee, Dabney, Dunnagan, Fambro, Gray, Gordon, Griffin, Guerry, Hale, Hamilton, Harde-man, Harris of Taliaferro, Harris of Worth, Howell, Jamison, Knight, Matthews, McDonald, Moody, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Scott, Strickland, Sumner, Turner, Whitaker and White.

So the motion to amend was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to amend an act entitled an act to secure a preference to persons in possession, in applications for grants under the laws pertaining to Head Rights, approved February 17th, 1854; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill for the protection of the rights of Eugene

Allen of Troup county ; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act to require the Sheriffs of this State to enforce *fi fas* when placed in their hands, and upon notice being given under certain penalties herein prescribed ; the report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to authorize bills of sale to be proven recorded, and admitted in evidence in certain cases therein specified ; the report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to lay out and form a new county out of the counties of Irwin, Dooly and Pulaski, and to provide for the organization of the same.

On motion of Mr. Paulk the same was laid on the table for the balance of the session.

On motion of Mr. Wellborn the Senate took up the report of the committee of the whole on a bill to authorize the City Council of Savannah to elect, or appoint, ten Auctioneers or vendue masters ; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize Avner Burnam of Houston county as guardian of James R. R. Haddock to settle with and pay over to his ward's estate, and for other purposes ; the report of the committee was agreed to, the bill was read the third time and passed.

• On motion the rules were suspended and Mr. Jeter reported a bill to authorize the Governor to call a Convention of the people of the State of Georgia upon certain conditions therein mentioned; which was read the first time.

On motion of Mr. McIntosh the same was referred to the Committee on the State of the Republic.

Mr. Chastain reported a bill to consolidate the offices of Tax Collector and Receiver of Tax Returns for the county of Fannin; which was read the first time.

Mr. Fambro reported a bill for the protection of widows whose husbands die intestate, and to provide for the same, which was read the first time.

Also, a bill to authorize certain Commissioners therein named to raise by lottery a sum sufficient to pay the debts and to endow Randolph College located in Cuthbert, Randolph county ; which was read the first time.

Mr. Hardeman from the Committee on Enrolment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate: An act to authorize and empower Charles

S. Arnold of the county of Chatham to marry again, and for other purposes.

Also, an act for the relief of James Wright, Jr., Jefferson Wright and others, securities of Stephen Wright formerly Tax Collector of Putnam county, from the payment of twenty per centum interest, on an execution issued by the Comptroller General of this State against the said Stephen Wright, Tax Collector as aforesaid, and said J. Wright, Jr. and others, securities of the same, on the 1st day of Oct., 1855, and for other purposes.

On motion leave of absence for a few days was granted to Mr. Whitaker.

On motion the Senate adjourned till 7 o'clock, P M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Allred a call of the Senate was made, when the following Senators appeared and answered to their names, to-wit :

Messrs. Allred, Ashe, Avery, Bloodworth, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Cone of Greene, Dixon, Gordon, Hamilton, Hardeman, Hines, Howell, McCrimmon, McDonald, Moore of Cobb, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Reddish, Scott, Screven, Strickland, Studstill, Sumner, Wales and Wellborn.

There being no quorum present, the Messenger and Door-Keeper were ordered to wait upon absent Senators, and request them to appear in the Senate.

On motion another call of the Senate was made, when the following Senators answered to their names, to-wit :

Messrs. Allred, Ashe, Avery, Bloodworth, Brown of Gwinnett, Camden, Canuon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Greene, Dixon, Dupree, Gordon, Hale, Hamilton, Hardeman, Hines, Howell, Matthews, McCrimmon, McDonald, Moore of Cobb, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Reddish, Shropshire, Scott, Screven, Strickland, Studstill, Sumner, Turner, Wales, Wellborn and White.

Mr. Chastain moved that the Senate adjourn, which motion was lost.

On motion another call of the Senate was made, when the following Senators answered to their names, to-wit :

Messrs. Allred, Ashe, Avery, Baxter, Bloodworth, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Dab-

ney, Dixon, Gordon, Griffin, Hale, Hamilton, Hardeman, Harris of Taliaferro, Head, Hines, Howell, Jamison, Matthews, McCrimmon, McDonald, McGuire, Moody, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Pope, Reddish, Rudisill, Sapp, Shropshire, Scott, Screven, Spalding, Strickland, Studstill, Sumner, Turner, Wales, Wellborn, White, Wingfield and Wynn.

On motion of Mr. Cone of Greene, the rules were suspended, and the Senate proceeded to read bills the second time.

The following bills of the Senate were taken up and severally read the second time, to-wit :

A bill to organize a new county from the counties of Cobb, Cherokee, Cass and Paulding.

A bill to raise the jurisdiction of Justices of the Peace, from thirty to fifty dollars.

A bill to change the place of holding Justices' Courts in the 476th district of the county of Newton.

A bill to allow practicing Attorneys to serve as Justices of the Peace in Burke county.

A bill to permit lime to be carried free of freight on the Western & Atlantic Rail-road, when the same is intended for Agricultural purposes.

A bill to be entitled an act in relation to the limitation of estates.

A bill to authorize Jurors to find verdicts in favor of plaintiffs on open accounts without formal proof in certain cases therein named and to authorize Justices of the Peace to enter judgment under similar circumstances.

A bill to authorize the Justices of the Inferior Court of Hart county, to levy an extra tax to build a new Court House, and for other purposes.

A bill to be entitled an act to give to masons and carpenters an incumbrance for debts due on account of work done and materials furnished in building, or repairing, houses, and the premises to which they may be attached, and to repeal all laws on this subject, so far as relates to the counties of Richmond and McIntosh, and in the cities of Savannah, Macon and Columbus, assented to Dec. 22nd, 1836, and an act entitled an act to extend to several counties in this State the provisions of the aforesaid act, assented to Dec. 28th, 1837, so as to give Plasterers the same incumbrance for debts due on account of work done, and materials furnished in plastering or repairing plastering of houses, and on the premises to which they may be attached, as is given to masons and carpenters in, and by the afore mentioned acts.

A bill to be entitled an act to incorporate Cartersville Lodge of Free and Accepted Masons.

A bill to be entitled an act to repeal an act, approved Feb. 18th, 1854, entitled an act to require the Receivers of

Tax Returns in the several counties of this State to ascertain the number of children in the several counties between the ages of 8 and 16, for the purposes therein named.

A bill to incorporate the town of Fletcherville in the county of Thomas.

A bill to add the present residence of the Rev. H. T. Bussey to the county of Telfair.

A bill to incorporate Madison Town Hall Company.

A bill to incorporate Mount Zion Chapter number 16 of Royal Arch Masons in the city of Atlanta.

A bill to prohibit any person or persons from driving cattle on the Look-Out Mountain in the counties of Walker and Dade in certain months of the year.

A bill to amend the act incorporating the town of Oxford in the county of Newton, and for other purposes therein mentioned.

A bill to add a part of Gilmer county to the county of Fannin, and for other purposes therein mentioned.

A bill to provide for establishing lost papers and suing upon the same.

A bill to incorporate the Sweet Water Rail-road Company.

A bill to be entitled an act to facilitate the determination of suits at Law and Equity in this State, and for other purposes therein named.

A bill to be entitled an act to lay off and organize a new county from the county of Franklin.

A bill to be entitled an act to equalize certain sales of real estate heretofore effected by executors, administrators and guardians.

A bill to be entitled an act for the relief of Mary Ann Thompson and others.

A bill to be entitled an act to prevent fraudulent survey of lands in the counties of Camden and Effingham.

A bill to be entitled an act to authorize Isaac C. Loller to build and keep up a mill dam across the Conasauga river, on his own land, in the county of Murray.

A bill to be entitled an act to change the line between the counties of Cobb and Cherokee.

A bill to be entitled an act to authorise the Treasurer of Chattahoochie county to pay the Grand and Petit Jurors of said county.

A bill to be entitled an act explanatory of the 2nd section of an act entitled an act to alter and amend an act for the more effectually serving the probate of wills, &c., approved December 12th, 1812.

A bill to be entitled an act for the relief of Henry Medora Arnold wife of John B. Arnold of Glynn county.

A bill to authorise the Sheriff to take new bond when the

principal has been surrendered in certain cases, and to make valid certain bail bonds taken heretofore.

A bill to place the State upon an equal footing with other parties, so far as to allow writs of error to be prosecuted in certain cases.

A bill to amend an act entitled an act in relation to divorces, approved Feb. 22nd, 1850, so as to authorise a divorce on another ground therein stated.

A bill to allow Andrew J. Mootton of the county of Telfair to peddle and vend goods in the counties of Telfair, Pulaski, Laurens, Montgomery, Ware, Appling, Coffee, Irwin, Lowndes and Clinch free of license.

A bill to enforce and carry into effect an act approved January 5th, 1852, entitled an act to provide for the taking of the census of the State of Georgia, in pursuance of the requirements of the twenty-fifth section of the first article of the Constitution of the State of Georgia, so far as relates to the counties of Camden, Glynn and Charlton.

A bill to change the line between the counties of Richmond and Columbia, so as to include the land and residence of Alexander M. Allen in the county of Columbia.

A bill to authorise G. B. May of the county of Murray to practice medicine and charge compensation therefor.

A bill to amend the laws now of force in relation to idiots, lunatics and insane persons and their estates.

A bill to be entitled an act to manumit a negro slave named Boston, the property of certain persons therein named.

A bill to incorporate a Bank in the town of Madison to be called the Bank of Madison.

A bill to limit the fees of witnesses.

A bill to amend an act relative to appeal.

A bill to incorporate Oak Bowery Lodge, number eighty-one of Free and Accepted Masons in the town of Ellijay, Gilmer county.

A bill to incorporate the town of Lithonia in the county of DeKalb and for other purposes.

A bill requiring the Judge of the Superior Courts of Jackson county to hold the Courts for the August term in said county two weeks in certain cases.

A bill for the relief of William L. Strain of Greene county.

A bill declaring what persons shall be liable to pay physicians for services rendered to slaves who are hired or otherwise in possession of bailiffs.

A bill to authorise the Tax Collector of the several counties in this State to levy all executions issued by them respectively against all defaulting tax payers in this State, and to advertise and sell the same at the usual place of holding justices Courts in the several counties in this State after giving two day notice thereof to make it the duty of said Tax

Collectors so to do without any additional compensation therefor, so far as the return of Nulla Bona is concerned, and for other purposes therein mentioned.

A bill for the relief of James Goddard.

A bill to enlarge and amend an act entitled an act to allow executors, administrators and guardians to resign their trust upon certain conditions, approved February 10th, 1854.

A bill to legalize and make valid two charters granted by the Mayor and Aldermen of the city of Columbus for plank roads in said city.

A bill to prescribe the road duty of persons resident on Skid-away island.

A bill to give free and full operation to judgment issuing from the Mayor's Court of the city of Darien throughout the State of Georgia.

A bill to be entitled an act to organize and charter a Company to be called the Western & Atlantic Rail-road Company to transfer the Western & Atlantic Rail-road to said company, and for other purposes therein mentioned.

A bill to be entitled an act to amend an act to require the Receivers of Tax Returns of the several counties of this State to ascertain the number of children in their respective counties between the ages of eight and sixteen years, and for other purposes therein named, approved February 18th, 1854.

A bill to be entitled an act to amend an act to prohibit the manumission of slaves.

A bill to be entitled an act amendatory of the several acts in relation to the exemption of certain property from levy and sale, and provide a mode of securing said property to the family of the debtor under certain penalties therein mentioned.

A bill for the relief of persons legally divorced from the bonds of matrimony in this State.

A bill to provide for the compensation of Grand and Petit Jurors of the Superior and Inferior Courts of the county of Elbert.

A bill to be entitled an act to amend the several acts to incorporate the town of Spring Place and prescribe the powers of the Commissioners of said town.

A bill to be entitled an act to extend to the county of Kinchafoonee the provisions of an act entitled an act to amend the road laws of this State, so far as relates to the counties of Wilkes, Laurens, Lincoln, Columbia and Twiggs, approved February 20th, 1854.

A bill to be entitled an act to alter and fix the time of holding the Superior Courts of the counties of Irwin, Telfair, Pulaski and Laurens.

A bill to be entitled an act to incorporate the Summer-ville Male and Female Academies, and for other purposes therein specified.

A bill to incorporate the Elberton Female Collegiate institute located at Elberton, and for other purposes therein named.

A bill to be entitled an act to elect the Attorney General for the Middle Circuit and the Solicitor Generals of the respective Judicial Circuits of the State, by the people, and for other purposes therein named.

A bill to be entitled an act to alter and amend an act to make permanent the county line between the counties of Dooly and Worth, and also between the counties of Irwin and Dooly.

The following bill was taken up, read a second time and on motion of Mr. Spalding referred to the committee on the Judiciary, to-wit :

A bill to be entitled an act to change the laws now in force in this State respecting the arrival within the limits of the same of colored seamen, so far as relates to the county of McIntosh and Port of Darien.*

The following bills were taken up and read a second time, to-wit :

A bill to be entitled an act to authorize the Inferior Court of Glynn county to have copies of the original records transcribed, and to legalize the same.

A bill to be entitled an act to require the Depot Agents and Conductors of the Western & Atlantic Rail-road to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same.

A bill to be entitled an act for the relief of William T. Shennan and others, securities, &c., of Greene county

On motion of Mr. Pope the rules were suspended, and the following bills of the House of Representatives were taken up, and severally read the first time, to-wit :

A bill to amend the seventh section of the second article of the Constitution, so as define and restrict the pardoning power of the Legislature.

A bill to be entitled an act to incorporate Line Church a Baptist Church on or near the line of Habersham county.

A bill to amend the 18th section of the charter of the city of Atlanta, and to confer certain powers upon Mayor and Council.

A bill to incorporate the Indian Springs Male and Female Academies, and appoint Trustees therefor.

A bill for the relief of Caleb J. Moncrief and Young J. Browning citizens of the county of Meriwether.

A bill to add additional sections to the fourteenth division of the Penal Code of the State of Georgia.

A bill to be entitled an act to change the lines between the counties of Randolph and Calhoun.

A bill to lay out and organize a new county from the counties of Thomas and Lowndes, and for other purposes.

A bill for the relief of Wilson L. Owin of Upson county.

A bill to repeal an act to amend the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Liberty.

A bill to incorporate the Middle Ground Rail-road to provide for its organization to define its rights and liabilities.

A bill to incorporate the Griffin Savings and Mutual Loan Association.

A bill to lay off and organise a new county out of the counties of Lowndes, Irwin and Coffee, to be called Berrien county, to attach the same to the Southern Judicial Circuit, to the first Congressional District and 2nd Brigade 6th Division, G. M.

A bill for the relief of the Bank of the State of Georgia.

A bill to compensate Grand and Petit Jurors of the county of Decatur.

A bill to make Walter R. Yaulles formerly Walter R. Highsmith son of Walter Yaulles of the county of Wayne the lawful heir of the said Walter Yaulles of said county of Wayne.

A bill to provide for the survey of the Okefanokee Swamp, and for other purposes.

A bill to incorporate the town of Hartwell in the county of Hart, and for other purposes therein named.

A bill to so change the corporation line of the city of Rome, so as as to exclude the lands of Lewis D. Burwell now in said city.

A bill to be entitled an act to incorporate the Rome Volunteers, and to grant certain immunities and privileges to the members of the same.

A bill to be entitled an act to allow further time to the Sheriff and their Deputies for the service of Writs, Declarations, Processes and Bills in Equity.

A bill to be entitled an act to incorporate the High Tower Mining Company.

A bill to be entitled an act to amend an act to incorporate a Bank in the city of Savannah to be called the Mechanics and Traders Bank, approved February 17th, 1854, to apply the provisions of said act to the Bank of Commerce, and for other purposes therein named.

A bill to be entitled an act to incorporate the Goshen Mining Company.

A bill to be entitled an act to grant certain privileges unto and to incorporate the Oostanula River Steam Boat Company.

A bill to incorporate the town of Hillsboro' in the county of Floyd, and for other purposes.

A bill for the relief of John H. Kelly of the county of Hancock.

A bill to authorize certain persons therein named to build a bridge across the Chattahoochee river, and for other purposes.

On motion the Senate then adjourned until ten o'clock tomorrow morning.

SATURDAY, FEBRUARY 2d, 1856.

The Senate met pursuant to adjournment.

Mr. Gordon moved to reconsider so much of the Journal of yesterday as relates to the passage of a bill to change the line between the counties of Tattnall and Liberty so as to include the residence of Henry Kicklighter in the county of Tattnall; which motion was agreed to.

On motion, leave of absence was granted to Messrs. Newton, Landrum, Avery, Turner and Murphy.

On motion of Mr. Screven, the following resolution was taken up, read and agreed to, to-wit:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor be requested to cause the muskets now in the arsenals at Savannah and Milledgeville, to be exchanged for arms of newer model and better pattern, if the same can be done advantageously to the State.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the Whole on a bill to be entitled an act declaring who are qualified and liable to service as jurors in criminal cases, regulating the manner of empanneling a jury in such cases, declaring who are competent jurors, and the mode and manner of ascertaining such competency, and for other purposes therein mentioned.

Mr. Poole moved to amend by adding the following as an additional section, to-wit:

And be it further enacted, That no person who has or may hereafter have been tried and convicted of any offence for which he was or may be sentenced to the penitentiary, shall be a competent jurymen.

Mr. Harris of Worth moved to lay the same on the table; which was agreed to.

Mr. Cone of Greene moved to strike out the 15th section; which was agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The following message was received from his Excellency the Governor, through Mr. DeGraffenried, his Secretary:

Mr. President—The Governor has signed and approved the following bill, to-wit:

An act for the relief of the estate of Joseph White, late of the county of Stewart, deceased.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives passed the following bills, to-wit:

A bill to be entitled an act to incorporate the North Georgia Mining Company.

A bill to be entitled an act for the relief of Martha W. Clower of the county of Clarke, and Harriet T. Danforth of the county of Wilkes.

A bill to be entitled an act to incorporate the town of White Plains in Greene county, and to confer upon the citizens of said town the privilege of electing town commissioners, with certain powers therein enumerated, and to amend the acts incorporating the town of Washington; and for other purposes.

Mr. Cone of Greene from the joint committee of conference made the following report, to-wit :

The joint committee of conference in relation to the disagreement of the two houses upon the amendments of the Senate to the general appropriation bill, have instructed me to report, that it is the opinion of the committee that the House of Representatives do concur in said amendments.

The Senate took up the regular order, which was the consideration of the report of the committee of the Whole on a bill to repeal an act to require the receivers of tax returns in the several counties in this State, to ascertain the number of children in their respective counties, between the ages of eight and sixteen years, and for other purposes therein named, approved February 1st, 1854; and to prescribe the mode in which the returns of children entitled to the benefit of the poor school fund, shall hereafter be made in the several counties in this State.

On motion of Mr. Screven, the same was referred to the committee on public education.

The Senate took up the report of the committee of the Whole on a bill to be entitled an act to authorise Dr. James G. McCrary of the county of Sumter, to practice medicine and surgery, and to charge for the same.

Mr. Harris of Worth moved to amend by inserting the following, to-wit: "and all other persons who desire to practice in this State, shall be permitted to do so and to charge for the same."

On motion of Mr. Jeter, the same was laid on the table for the present.

The Senate took up the report of the committee of the Whole on a bill to extend the time for making the returns of the tax collector of Burke county.

On motion of Mr. Lawton, the same was indefinitely postponed.

The Senate took up the report of the committee of the Whole on a bill to authorise George W. Thomas, Jr., a minor of the county of Sumter, to hold property in his own name, to sue and be sued, contract and be contracted with, as though he had obtained his majority; and for other purposes.

On motion, the same was laid on the table for the present.

The Senate took up the report of the committee of the Whole on a bill to amend the claim laws of this State.

Mr. McMillan moved to amend the same by inserting the following proviso: Provided, This act shall not apply to cases where property is fraudulently removed, or to evade a trial of the right or title to the same; which motion was lost.

Mr. Morris moved to amend by striking out all after the enacting clause, and inserting the following, to-wit:

A bill to amend the claim laws of this State, to settle and make permanent and certain the court to which all claims to personal property, levied on by virtue of execution or other process than attachment, issued from any of the courts of law in this State, shall be made returnable and triable, and for other purposes therein named. The motion to amend was lost.

Mr. Sims moved to amend by inserting the word 'personal' before the word 'property;' which was agreed to.

Mr. Morris moved to refer the same to a select committee; which motion was lost. The report of the committee of the Whole as amended was agreed to; the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 31, nays 43.

Those voting in the affirmative are Messrs. Atkinson, Brown of Calhoun, Calhoun, Cannon, Cantrell, Chastain, Coffee, Cone of Greene, Dabney, Dixon, Fambro, Gray, Gibson, Guerry, Hale, Hardeman, Knight, Lawson of Burke, Matthews, McMillan, Morris, Murray, Ponder, Ragan, Robinson, Simms, Scott, Swinney, Wales, Ware, Wellborn and White.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Carlton, Causey, Colbert, Crowder, Dunnagan, Grant, Griffin, Hamilton, Harris of Taliaferro, Harris of Worth, Howell, Jamison, Long, Lott, McCrimmon, McGuire, McIntosh, Moody, Moore of Cobb, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr, Poole, Pope, Reddish, Shropshire, Smith, Strickland, Studstill, Sumner, Turner, Wingfield and Wynn.

So the bill was lost.

The Senate took up the report of the committee of the Whole on a bill to compel all persons owning six hundred or more acres of land in the county of Telfair, to give and pay tax for the same in said county. The report of the committee was agreed to: the bill was read the third time and lost.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act that all free persons of color, remaining within the limits of the State of Georgia,

from and after the twenty-fifth day of December, 1856, shall be sold into servitude, and for other purposes.

Mr. Hardeman moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded and are yeas 33, nays 47.

Those voting in the affirmative are Messrs. Allred, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Dixon, Guerri, Hardeman, Harris of Worth, Hill, Knight, Lawson of Burke, McIntosh, McMillan, Moore of Cobb, Morris, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr, Poole, Pope, Reddish, Shropshire, Screven, Strickland, Sumner, Wales and Wingfield.

Those voting in the negative are Messrs. Ashe, Atkinson, Avery, Brown of Baldwin, Calhoun, Cannon, Carlton, Coffee, Colbert, Cone of Greene, Dunnagan, Dupree, Fambro, Gray, Gibson, Gordon, Grant, Griffin, Hale, Hamilton, Harris of Taliaferro, Hines, Howell, Jamison, Jeter, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, Moody, Murray, Nichols, Ponder, Ragan, Robinson, Rudisill, Simms, Scott, Smith, Studstill, Swinney, Turner, Ware, White and Wynn.

So the motion to postpone indefinitely was lost.

On motion of Mr. Gibson, the same was referred to a select committee.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to authorise persons, to submit controversies to arbitration, declaring how arbitrators shall be chosen, prescribing their powers, regulating the manner in which their proceedings, shall be conducted and for other purposes therein mentioned.

Mr. Patterson moved to amend the 11th section by striking out the words 'according to law;' which motion was lost.

Mr. Dabney moved to amend the 14th section by adding the following, to-wit: 'and either party being dissatisfied with said award, may appeal to the Superior Court under the same rules and regulations as are prescribed for the trial of appeals; which motion was lost.

Mr. Dabney moved to amend the fourteenth section by striking out the following words, to-wit: 'unless objection shall be plead to the same as provided in the next section of this act;' which motion was lost.

On motion of Mr. Rudisill, the 14th section was amended by inserting the following, to-wit:

'And that for each and every award entered upon the minutes of the Superior Courts, the Clerk shall be entitled to the same fees as now allowed by law for the entering of judgment in other cases, to be paid by the party against whom the awards made.'

Mr. McMillan moved to amend the 15th section by insert-

ing after the word award on the 4th line, the following, to-wit- "Or such other circumstances as would now by law authorise the granting a new trial by the Superior Courts;— which motion was lost.

Mr. Buchanan moved to postpone the bill and amendments indefinitely; which motion was lost.

Mr. Wingfield moved to amend the 10th section by inserting the words "fraud, corruption or mistake; which motion was lost.

The report of the committee as amended was agreed to; the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 50, nays 23.

Those voting in the affirmative are Messrs. Allred, Atkinson, Avery, Bloodworth, Brown of Gwinnett, Cantrell, Causey, Coffee, Colbert, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Grant, Griffin, Guerry, Hamilton, Harris of Taliaferro, Howell, Jamison, Knight, Lott, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Nichols, Paulk, Pharr, Ponder, Poole, Ragan, Reddish, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Spalding, Strickland, Studstill, Sumner, Turner, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Ashe, Buchanan, Calhoun, Cannon, Carlton, Chastain, Dabney, Gray, Gibson, Gordon, Hale, Hardeman, Hill, Hines, Jeter, Matthews, McMillan, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Pope, Screven, and Wellborn.

So the bill was passed.

On motion of Mr. Cone, leave of absence was granted to Messrs. Wingfield and Rudisill.

On motion the Senate adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and on motion, a call of the Senate was made, when the following Senators appeared and answered to their names, to-wit:

Messrs. Adams, Ashe, Atkinson, Baxter, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Baldwin, Calhoun, Cannon, Colbert, Cone of Bulloch, Crowder, Cumming, Dunnagan, Fambro, Griffin, Guerry, Harris of Taliaferro, Hays, Head, Hines, Jeter, King, Knight, Landrum, Lawson of Houston, Lawton, Long, Lott, Maddux, Marshall, McDonald, McIntosh, McMillan, Miller, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Newton, Nichols, Peeples, Ragan, Renfroe, Riley, Robinson, Roddenberry, Rudi-

sill, Shropshire, Simms, Scott, Spalding, Swinney, Well-Whitaker, Wingfield and Wynn.

The Senate took up the regular order, which was the consideration of the report of the committee of the Whole on a bill to be entitled an act to authorise Thomas H Hall of the county of Baldwin, a minor, to transact his own business in the manner and subject to the same responsibilities as though he was of full age.

Mr. Knight moved to amend the same by inserting the following as an additional section, to-wit:

That Pliny Sheffield, Jr., of Thomas county, a minor, be authorised to receive property and receipt for the same, and own and have said property free from the control of any guardian, agent or trustee, to sue and be sued, contract and be contracted with, and all his acts shall be as fully binding as if he was twenty-one years of age; which motion was agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and amend the tenth section of the thirteenth division of the penal code of this State.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to repeal a portion of the second section of an act entitled an act to change the line between the counties of Monroe and Crawford; and also to change the line between other counties therein named; approved February 13th, 1854. The report was agreed to: the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal so much of an amendatory act as relates to the authorizing agents appointed by the Governor, selling the reverted lands in the different lotteries of this State, and re establish the amended acts of 1843, &c.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to change a part of the seventh section of the second article of the Constitution of this State.

Mr. Pope moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recerded and are yeas 49, nays 24.

Those voting in the affirmative are Messrs. Avery, Brown of Calhoun, Brown of Gwinnett, Camden, Cantrell, Carlton, Causey, Chastain, Colbert, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Grant, Guerri, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Hill, Howell, Jamison, Jeter, Knight, Matthews, McCrimmon, McDonald, McIntosh, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr, Ponder, Pope, Ragan, Red-

dish, Robinson, Rudisill, Sapp, Studstill, Sumner, Wales, Ware and White.

Those voting in the negative are Messrs. Allred, Buchanan, Cannon, Coffee, Cone of Greene, Dabney, Gordon, Griffin, Harris of Worth, Lawson of Burke, Lott, McGuire, Moody, Moore of Cobb, Morris, Poole, Shropshire, Simms, Screven, Smith, Spalding, Strickland, Turner and Wynn.

So the motion to postpone indefinitely prevailed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to prevent rail-road agents from shipping or conveying their grain on the Western and Atlantic Rail-road in preference and to the injury of other persons and to punish for said offences.

Mr. Murray moved to amend the same by striking out the latter part of the 1st section, by inserting the following:—

And shall also be subject to be indicted therefor, and on conviction shall be fined or imprisoned, at the discretion of the Court, the fine not to exceed one hundred dollars, and the imprisonment not to exceed three months. The amendment was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal the first, second and third sections of an act entitled an act to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same, and to punish for a violation of the same. And to repeal an act entitled an act to guard and protect the citizens of this State against the unwarrantable and too prevalent use of deadly weapons; assented to the 25th December, 1837; approved January 12th, 1852.

On motion of Mr. Pope, the same was referred to a select committee.

The committee appointed by the chair were Messrs. Pope, Buchanan and Cone of Greene.

The Senate took up the report of the committee of the whole on a bill to incorporate 'The Georgia Rail-road Company, and to confer on them certain powers and privileges therein mentioned.'

On motion of Mr. Calhoun, the same was made the special order for Feb. 16th.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorise and require interest to be recovered on open accounts in certain cases.

Mr. Nichols moved to postpone the same indefinitely;—whereupon the yeas and nays were required to be recorded and are yeas 20, nays 52.

Those voting in the affirmative are Messrs. Allred, Brown of Gwinnett, Cannon, Coffee, Dunnagan, Dupree, Griffin, Hamilton, Harris of Worth, Hines, Lott, Moody, Moore of Cobb, Nichols, Paulk, Simms, Screven, Spalding, Studstill, and Wynn.

Those voting in the negative are Messrs. Brown of Baldwin, Brown of Calhoun, Camden, Cantrell, Carlton, Causey, Chastain, Colbert, Cone of Greene, Crowder, Dabney, Dixon, Fambro, Gray, Gibson, Gordon, Grant, Guerri, Hale, Hardeman, Harris of Taliaferro, Hays, Hill, Howell, Jamison, Jeter, Knight, Lawson of Burke, Matthews, McCrimmon, McDonald, McGuire, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Robinson, Sapp, Smith, Sumner, Turner, Wales, Ware and White.

So the motion to postpone the bill indefinitely was lost.

Mr. Gibson moved to amend the same by inserting the following 'from the first day of January next after the account shall have been contracted;' which was agreed to.

The report of the committee as amended was agreed to. The bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 53, nays 20.

Those who voted in the affirmative are Messrs. Brown of Calhoun, Buchanan, Calhoun, Camden, Cantrell, Carlton, Causey, Chastain, Colbert, Cone of Greene, Crowder, Fambro, Gray, Gibson, Gordon, Grant, Guerri, Hale, Hardeman, Harris of Taliaferro, Hays, Head, Hill, Jeter, Knight, Lawson of Burke, Matthews, McDonald, McGuire, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Robinson, Sapp, Shropshire, Smith, Strickland, Sumner, Turner, Wales, Ware, Whitaker and White.

Those voting in the negative are Messrs. Allred, Brown of Gwinnett, Cannon, Coffee, Dunnagan, Dupree, Griffin, Hamilton, Harris of Worth, Hines, Jamison, Lott, McCrimmon, Moody, Moore of Cobb, Nichols, Paulk, Simms, Screven, Spalding, Studstill and Wynn.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to amend the judiciary act of 1799, so far as relates to the jurisdiction of Justices of the Peace in relation to cases sounding in damages; so far as relates to the county of Lumpkin. The report of the committee was disagreed to: and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to add an additional section to the ninth division of the penal code.

Mr. Cone moved to amend by inserting the following:

'But where any person has been punished by the municipal authorities of any city or town for any such offence, he shall not be liable to be again punished by the provisions of this act; which motion was lost.

Mr. Cone moved to amend by striking out 'whooping or hallooing;' which motion was agreed to.

Mr. Jamison moved to amend by inserting the following: 'Provided the provisions of this act shall not extend to the county of Union;' which motion was lost.

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 37, nays 34.

Those voting in the affirmative are Messrs. Calhoun, Cannon, Cantrell, Carlton, Coffee, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Grant, Guerry, Hardeman, Harris of Talliaferro, Hill, Jeter, Lawson of Burke, Matthews, Morris, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson, Ponder, Poole, Pope, Ragan, Robinson, Sapp, Simms, Screven, Smith, Spalding, Vales, White and Wynn.

Those voting in the negative are Messrs. Allred, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Causey, Chastain, Colbert, Dabney, Dunnagan, Gray, Gordon, Griffin, Hale, Hamilton, Harris of Worth, Hays, Hines, Howell, Jamison, Knight, Lott, McCrimmon, McDonald, McGuire, Moody, Moore of Cobb, Paulk, Reddish, Shropshire, Strickland, Sumner, Turner and Ware.

So the bill was passed.

On motion, the Senate adjourned till ten o'clock Monday morning.

MONDAY, FEBRUARY 4th, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Hill, the Senate took up and read a second time, the following bills, to-wit:

A bill to alter and change the time of holding the Superior Courts of the counties of Marion, Harris and Muscogee; and for other purposes therein mentioned.

The President appointed the following committee, to whom is referred the bill for the disposal of the free persons of color of this State: Messrs. Swinney, Gibson, Calhoun, Harris of Worth and Sims.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole on the reconsidered bill to lay out and organise a new county out of the counties of Lumpkin and Gilmer, and for other purposes.

Mr. Cone of Greene moved to amend the 3d section by inserting after the words 'Interior Court' the following, to-wit: 'who shall hold their offices until the 1st day of January, 1857, and until their successors are elected and qualified;—

the Ordinary who shall hold his offices until the 1st day of January, 1860, and until his successor is elected and qualified; a Clerk of the Superior Courts, a Coroner and a Sheriff, who shall hold their offices respectively until the 1st day of January, 1858, and until their successors are elected and qualified, a Tax Collector and Receiver of Tax Returns and a County Surveyor and Treasurer, who shall hold their offices respectively until the 1st day of January, 1856, and until their successors are elected and qualified; which was agreed to.

Mr. Patterson of Gilmer moved to amend the 8th section by adding the following proviso, to-wit:

Provided, That nothing in this act shall be so construed as to authorise the Inferior Court of said new county of Johnson, to levy an extra tax on that portion of the people of Gilmer to pay any part of the outstanding debt of Lumpkin county; which motion was agreed to.

Mr. Sims moved to postpone the bill indefinitely, whereupon the yeas and nays were required to be recorded and are yeas 42, nays 30.

Those voting in the affirmative are Messrs. Adams, Avery, Brown of Calhoun, Buchanan, Calhoun, Camden, Causey, Colbert, Crowder, Dixon, Dunnagan, Dupree, Gray, Gibson, Hamilton, Harris of Worth, Hill, Howell, Jeter, King, Landrum, Maddux, McCrimmon, McGuire, McIntosh, Moody, Patterson of Jefferson, Pharr, Pope, Ragan, Reddish, Riley, Robinson, Sapp, Shropshire, Simms, Spalding, Studstill, Sumner, Swinney, Wales and Wynn.

Those voting in the negative are Messrs. Allred, Ashc, Bloodworth, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Dabney, Gordon, Grant, Guerry, Hale, Jamison, Knight, Lawson of Burke, Long, McDonald, McMillan, Morris, Murray, Nichols, Patterson of Gilmer, Paulk, Ponder, Poole, Strickland, Ware, Wellborn and White.

So the motion prevailed.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole on a bill to be entitled an act to sell the Western and Atlantic Rail Road.

Mr. Spalding moved to postpone the same indefinitely;—whereupon the yeas and nays were required to be recorded and are yeas 43, nays 34.

Those voting in the affirmative are Messrs. Allred, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Dixon, Dunnagan, Gray, Gibson, Gordon, Grant, Guerry, Hale, Harris of Taliaferro, Hines, Jeter, Landrum, Lawson of Burke, Maddux, McGuire, McIntosh, McMillan, Moore of Cobb, Morris, Patterson of Gilmer, Patterson of Jefferson, Riley, Shropshire, Simms, Spalding, Strickland, Swinney, Ware, Wellborn, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Avery, Bloodworth, Brown of Baldwin, Brown of Calhoun, Carlton, Causey, Crowder, Hamilton, Harde-
man, Harris of Worth, Hill, Howell, Jamison, King, Knight,
Long, Lott, McDonald, Moody, Murray, Nichols, Paulk,
Pharr, Ponder, Poole, Reddish, Robinson, Sapp, Studstill
Sumner and Wales.

So the motion prevailed.

Mr. Dunnagan from the select committee to whom was referred the bills incorporating camp grounds, churches and charitable societies, have performed that duty, and ask leave to make the following report:

Your committee are of opinion that the existing laws are amply sufficient for the protection of religious societies, and therefore need no incorporation; but should they desire to become corporate bodies, they only have to apply to the Superior or Inferior Court, and have their name and object of association recorded, and then they are bodies corporate for all needful purposes, but as there may be some doubt, whether or not there is sufficient protection, provided in the existing laws for other social or other charitable societies.—Your committee would recommend that the bill now before the Senate entitled an act to protect and to confer upon charitable societies, certain privileges, and to make them bodies corporate and politic, be maturely perfected and passed, and thereby save the State from onerous legislation, and the expense of printing and publishing those unnecessary corporations. Therefore

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it is improper and wholly unnecessary to legislate separately and specially for the above specified object.

On motion of Mr. Dunnagan, the rules were suspended and the Senate took up and read a second time the following bill, to-wit :

A bill to protect and to confer upon charitable societies certain privileges, and to make them bodies corporate and politic. On motion of Mr. Dunnagan, the same was made the special order for Tuesday, 5th inst.

On motion of Mr. Nichols, the Senate took up the reconsidered bill to prevent the sale or gratuitous distribution of spirituous liquors within five miles of the Court House and election precincts during the session of the Superior or Inferior Courts or on the election days.

Mr. Harris of Worth moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded and are yeas 54, nays 10.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Carl-

ton, Coffee, Colbert, Crowder, Dabney, Dunnagan, Gordon, Grant, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Howell, King, Landrum, Long, Lott, McCrimmon, McDonald, McIntosh, Moody, Moore of Cobb, Morris, Murray, Nichols, Patterson of Gilmer, Paulk, Poole, Pope, Reddish, Riley, Robinson, Sapp, Shropshire, Screven, Strickland, Studstill, Sumner, Wales, Wellborn, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Avery, Brown of Calhoun, Cannon, Chastain, Cone of Greene, Gray, Gibson, Jamison, Lawson of Burke and Patterson of Jefferson.

So the motion prevailed.

On motion of Mr. Dabney, the bill to change and locate the north-western terminus of the Western & Atlantic Railroad, and for other purposes therein specified, was postponed and made the special order for Friday the 8th inst., and also referred to the select committee in relation to suits vs. the Western and Atlantic Rail-road in Tennessee.

The Senate took up the regular order of the day, which was the consideration of the report of the committee of the whole on a bill to add an additional section to the sixth division of the penal code.

On motion of Mr. Patterson of Jefferson, the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to add an additional section to the 10th division of the penal code of the State of Georgia.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to define the line between the counties of Gordon and Floyd and for other purposes.

Mr. Wellborn moved to strike out the second section of the same, whereupon the yeas and nays were required to be recorded and are yeas 33, nays 24.

Those voting in the affirmative are Messrs. Allred, Brown of Baldwin, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Causey, Crowder, Dunnagan, Gordon, Hamilton, Hardeman, Harris of Taliaferro, King, Lawson of Burke, Maddux, McCrimmon, McDonald, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Paulk, Reddish, Robinson, Simms, Screven, Strickland, Sumner, Wales, Ware, and Wellborn.

Those voting in the negative are Messrs. Adams, Ashe, Bloodworth, Buchanan, Chastain, Coffee, Cone of Greene, Dabney, Dixon, Gibson, Grant, Hale, Harris of Worth, Hill, Howell, Lott, Moody, Nichols, Patterson of Jefferson, Ponder, Poole, Pope, Riley and Shropshire.

So the motion prevailed.

The report of the committee of the whole as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on a bill to incorporate a bank to be located in the city of Macon; to be called the Bank of Middle Georgia.

On motion of Mr. Buchanan, the 8th section was amended by inserting after the word 'Bank' the words 'resident of the State of Georgia.'

On motion of Mr. Cone of Greene, the 10th section was amended by striking out the words 'or in the notes of solvent banks of the city of Savannah or Augusta.'

On motion of Mr. Hardeman, the 12th section was struck out, and the following added in lieu thereof; to-wit:

Section 12th. The persons and property of the stockholders in said bank shall be pledged and bound in proportion to the amount of the shares that each individual or company may hold in the same for the ultimate redemption of said bills or notes issued by or from said bank during the time he, she or they may have held such stock in the same manner as in common commercial cases or simple case of debt. The private or individual property of each stockholder, as well as their joint property, shall be liable as before stated, for the redemption of the bills of said bank, and for the payment of all debts and liabilities of the same; and when any judgment shall be obtained against said bank, and execution issued thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same; and if the proceeds thereof shall be insufficient to pay off said executions, and the return of said officer of no corporate property, shall be sufficient proof of the same: it shall be the duty of said officer next to levy said execution on the individual property of any stockholder or stockholders, and sell the same until an amount is raised sufficient to pay off said execution. Each stockholder only to be liable in proportion to the amount of his stock and that any stockholder who pays off any such executions, or a part thereof, shall have the right to use and control the same *fi fa* against all the other stockholders, so as to collect the rateable share out of each of them.

Mr. Buchanan moved to amend the same by inserting after the words 'corporate property' the words 'in the possession of the corporation;' which was agreed to.

Mr. Cone moved to amend the same by inserting after the word 'stock' the words 'for the entire indebtedness of the bank;' which motion was agreed to.

Mr. Cone moved further to amend by adding the following, to-wit:

And all persons shall be held liable as stockholders agreeable to the provisions of this section who were stockholders agreeable to the return made to the Governor by said bank next before the failure of said bank to redeem its notes or pay its debts—which motion was agreed to.

The amendment of Mr. Hardeman as amended was agreed to.

Mr. Cone of Greene moved to amend the 15th section by inserting after the word 'cashier,' the word 'agent or agents' which motion was agreed to.

Mr. Buchanan moved further to amend by adding the following as an additional section, to-wit :

And be it further enacted, That two thirds of the stock in value in said bank shall always be held and owned bona fide by citizens of this State, except such stock as may be bona fide assigned by a stockholder to a creditor under the laws of this State, or such as may be levied upon by any creditor of another State or jurisdiction, and by him purchased in for his own protection, and in case of any fraud in the assignment of or levy upon and purchase of any stock to evade the aforesaid restriction, said stock shall be forfeited to the informer by a judgment of the Superior Court in the county where said bank is situated. Provided, the stockholder is notified to appear, either by ten days personal service, or three month's service in any public gazette, and after any issue of facts, shall be tried one time by a special jury, and also said bank shall not establish in any of the North or North-Western States, any agency for the purpose of aiding in any manner the circulation of its bills, or the redemption thereof, nor shall have any office of discount and deposit, or any other office in any of said States for such purpose, and in case said bank shall violate the foregoing or any other provisions of this bill, upon affidavit made of the fact by any three reputable citizens with notice to the Governor, he shall take immediate steps to produce the forfeiture of said charter; and when said charter is forfeited, all expenses of which proceeding, whether for court costs, counsel fees, or otherwise, shall be paid out of the property and assets of said bank.

On motion of Mr. Hardeman, the same was amended by striking out all after the words 'forfeiture of said charter;'—which was agreed to.

The amendment of Mr. Buchanan as amended was agreed to.

Mr. Cone of Greene moved further to amend by adding the following as an additional section, to-wit:

And be it further enacted, That from the time that said bank shall fail or refuse to redeem its notes on demand, or pay any other of its debts, when due and demanded, all the joint property of said company and the individual property of the stockholders, shall be bound and liable for the payment of the same, agreeable to the provisions of the twelfth section of this act, and shall be a lien upon the same from that time. Whereupon the yeas and nays were required to be recorded and are yeas 23, nays 40.

Those voting in the affirmative are Messrs. Allred, Bloodworth, Brown of Gwinnett, Camden, Cantrell, Causey, Coffee, Cone of Greene, Dunnagan, Gray, Gordon, Hale,

Hamilton, McCrimmon, McIntosh, Murray, Patterson of Jefferson, Pharr, Riley, Studstill, Sumner, Ware and White.

Those voting in the negative are Messrs. Ashe, Brown of Baldwin, Buchanan, Calhoun, Cannon, Carlton, Chastain, Crowder, Gibson, Grant, Hardeman, Harris of Taliaferro, Harris of Worth, Hill, Hines, Howell, King, Knight, Landrum, Lawson of Burke, Long, Lott, Maddux, McDonald, McGuire, Moody, Moore of Cobb, Morris, Nichols, Patterson of Gilmer, Paulk, Pope, Sapp, Shropshire, Simms, Screven, Swinney, Wales, Wellborn and Wynn.

So the motion to amend was lost.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion of Mr. Carleton, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order, which was the consideration of the report of the committee on a bill to lay off and organise a new county from the counties of Cobb, Cherokee, Cass and Paulding, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up the report of the Committee of the whole on a bill to compensate the grand jurors of Baker county. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to confer certain privileges upon James J. Boyett of the county of Randolph, and to make lawful his acts; and to give him authority to transact business as though he were of full age. The report of the committee of the whole was agreed to; the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 35, nays 28.

Those voting in the affirmative are Messrs. Allred, Ashe, Bloodworth, Buchanan, Calhoun, Chastain, Cone of Greene, Crowder, Dabney, Dixon, Gibson, Guerry, Hale, Howell, Jamison, King, Knight, Landrum, Lawson of Burke, Lott, McDonald, McGuire, Moody, Moore of Cobb, Murray, Patterson of Gilmer, Paulk, Ponder, Poole, Pope, Robinson, Sapp, Simms, Strickland and White.

Those voting in the negative are Messrs. Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Dupree, Gray, Gordon, Hill, Hines, Jeter, Maddux, McCrimmon, McIntosh, Patterson of Jeffer-

son, Pharr, Reddish, Spalding, Studstill, Sumner, Swinney, Wales, Welborn, Wingfield and Wynn.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

Mr. President: The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to incorporate the American Mining Company.

A bill to be entitled an act to incorporate New Lebanon Presbyterian Church in Franklin county, and for other purposes.

A bill to be entitled an act to give any company a right to construct a bridge across the Chattahoochee river in the counties of Fulton and Cobb, on the old piers upon which the Western and Atlantic Rail-road was built, which may be incorporated by the Inferior Court of said counties, or either of them, on certain conditions.

A bill to be entitled an act to extend the limits of the village of Cave Spring; and for other purposes.

A bill to be entitled an act to compel all incorporated mining companies of this State to give in and pay taxes on their stock in the counties where the mines are located.

A bill to be entitled an act to punish any person or persons obstructing Bull Creek in the county of Tattnall.

A bill to be entitled an act to legalise the revision of the Jury boxes, and the drawing of the Grand and Petit Jurors of the county of Floyd for the next term of the Superior Court of said county.

A bill to be entitled an act to incorporate the Russelville Methodist Camp-ground in Monroe county.

A bill to be entitled an act to incorporate Salem Camp-ground in Newton county.

A bill to be entitled an act to incorporate the Atlanta Male College, and to appoint trustees for the same.

A bill to be entitled an act to incorporate Hopewell Academy in the county of Fayette, and to appoint trustees for the same.

A bill to be entitled an act to incorporate the Hebrew Presbyterian Church of Franklin county, and for other purposes.

A bill to be entitled an act to provide for the selection of Grand and Petit Jurors in certain cases.

A bill to be entitled an act to change the time of holding the Superior and Inferior Courts of Sumter county.

A bill to incorporate the Island Creek Academy in Hancock county.

A bill to be entitled an act to alter and change the time of holding the Superior and Inferior Courts in the county of Carroll.

A bill to be entitled an act to incorporate the South-western Electro-Magnetic Telegraph Company.

A bill to be entitled an act to alter, amend and enlarge an act entitled an act to ascertain, dispose of and appropriate the ungranted lands in the county of Chatham, and to vest the same in certain charitable societies, and for other purposes.

A bill to be entitled an act to incorporate the Methodist Episcopal Church at New Hope, Bulloch county, and to appoint trustees for the same.

A bill to be entitled an act to repeal the 7th section of an act entitled an act to amend the road and patrol laws of this State, so far as they relate to the county of Effingham, assented to 9th December, 1843.

A bill to be entitled an act to extend the provisions of the act to amend the several acts now in force regulating the fees of magistrates and constables in the State of Georgia, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for the mode of collecting the same, approved January 22d, 1852, to the county of Fulton.

A bill to be entitled an act to incorporate Montgomery Camp-ground, Montgomery county.

A bill to be entitled an act to explain and supplementary to an act entitled an act to authorise the Inferior Court of Washington county to levy an extra tax for the purpose of building a Court-house and Jail; assented to Dec. 22d, 1855.

A bill to be entitled an act to cede to the United States, jurisdiction over certain territory within the limits of the city of Savannah.

A bill to be entitled an act to incorporate the Needle Woman's Friend Society in the city of Savannah.

A bill to be entitled an act to appoint trustees for Hall county Academy.

A bill to be entitled an act to amend an act entitled an act to incorporate a company in the county of Columbia and State of Georgia to be known by the name and style of the Columbia Mining Company, and to grant certain privileges thereto, and for other purposes therein mentioned.

A bill to be entitled an act to amend an act to incorporate the Ogeechee Plank Road Company, and for other purposes therein named, approved January 22d, 1852.

A bill to be entitled an act to authorise the Inferior Court of Gwinnett county to pay the Sheriffs of said county for summoning Jurors, and waiting upon the courts, and for other purposes.

A bill to be entitled an act to incorporate the United Riflemen of the city of Columbus, and also the Richmond Hussars of Richmond county.

A bill to be entitled an act to change the time of holding the Inferior Courts of the county of Catoosa.

A bill to be entitled an act to authorise the Inferior Court of Houston county to levy an extra tax for the years 1856 and 1857 for the purposes therein named.

A bill to be entitled an act to incorporate the Fredonia Academy in the county of Baker, and appoint trustees for the same.

A bill to be entitled an act to ratify and confirm the act of incorporation of the Atlanta Loan and Building Association, and to legalise the acts of the same.

A bill to be entitled an act to alter and amend the act incorporating the Lumpkin County Manufacturing Company, assented to December 24th, 1840.

A bill to be entitled an act to amend the sixth section of an act passed February 13th, 1850, to incorporate a Bank in the city of Savannah.

A bill to be entitled an act to allow practising Attorneys to serve as Justices of the Peace in Burke county.

A bill to be entitled an act to incorporate Summerville Academy in Emanuel county.

A bill to be entitled an act to incorporate the Finch Mining Company of Cherokee, Georgia.

A bill to be entitled an act to incorporate the Trustees of the Masonic Hall in the city of Savannah.

A bill to be entitled an act to incorporate the town of Fort Valley in the county of Houston and to provide for the election of Commissioners for the same.

A bill to be entitled an act to incorporate the Cherokee Baptist Convention, to confer upon said corporation certain powers therein named, and for other purposes.

A bill to be entitled an act to amend the seventh section of the act incorporating the city of Dalton in the county of Whitfield, assented to on the 28th day of December, 1853, so as to give the election of Marshall, Clerk and Treasurer of said city to the qualified voters of said city, and to require the Mayor of said city to make out and publish in each of the newspapers of said city semi-annually reports of the financial operations of said city to provide for the election of a County Treasurer for the county of Whitfield by the qualified voters of said county and for other purposes therein mentioned.

A bill to be entitled an act to authorise the Board of Commissioners of public roads of the county of Bryan to carry on and transact business under certain circumstances, and for other purposes.

A bill to be entitled an act to authorise the Mayor and Council of the city of Columbus to return certain bonds by them executed and delivered, and to execute and deliver bonds in lieu thereof.

They have also passed the following bills of the Senate, to-wit :

A bill to be entitled an act to create and lay off a new Circuit to be called Pataula Circuit, to be composed of the counties of Early, Clay, Chattahoochee, Randolph, Stewart and Kinchafoonee ; and to add the same to the second Supreme Court Judicial District.

A bill to be entitled an act to amend an act entitled an act to amend an act to incorporate the Brunswick and Florida Rail-road Company, passed 22d December, 1835, and also, to amend an act amendatory of the same, assented to 27th December, 1838.

They have also concurred in the following resolutions of the Senate, to-wit :

A resolution requesting the Governor to furnish the county officers of the county of Burke with copies of the acts of 1851 and 1852, and of 1853 and 1854, of Cobb's Digest and Analysis and Forms.

A resolution requesting the Governor to cause the muskets now in Arsenals at Savannah and Milledgeville to be exchanged for arms of newer model and better pattern if the same can be done advantageously to the State.

They have also concurred in the resolution of the Senate in reference to the adjournment of the General Assembly on the 20th inst., *sine die*.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President : The House of Representatives have passed the bill of the Senate to be entitled an act to create a new Judicial Circuit to provide for the appointment and election of a Judge and Solicitor General for the same, with certain amendments, to which they ask the concurrence of the Senate, and which I have been instructed to communicate forthwith to the Senate.

The Senate took up the report of the committee of the whole on a bill to incorporate the city of Greensboro', to provide for its government, define its power, and for other purposes therein mentioned.

Mr. Cone of Greene moved to amend the second section by striking out the word 'January,' and inserting 'April' in lieu thereof; which motion was agreed to; the report of the committee of the whole, as amended, was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to prevent obstructions to the free passage of fish in the Toccoa river through the county of Fannin in this State, and to make penal the same.

On motion of Mr. Moore of Cobb, the same was amended by inserting the words "and from the Rail-road bridge to Warsaw on the Chattahoochee river"; which was agreed to.

Mr. Landrum moved to postpone the same indefinitely; which motion was agreed to.

The Senate took up the report of the committee of the whole on a bill to incorporate a Bank in the town of Greensboro', to be called the "Bank of Greensboro'".

Mr. Spalding moved to amend the same by striking out the seventh section; which motion was agreed to.

Mr. Cone of Greene moved to strike out the 21st section; which was agreed to.

The report of the committee as amended was agreed to; the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 52, nays 16.

Those voting in the affirmative are Messrs. Ashe, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Dixon, Dupree, Gibson, Gordon, Grant, Griffin, Harris of Taliaferro, Hines, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Lott, Maddux, McDonald, McGuire, McIntosh, Moody, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Pope, Ragan, Riley, Sapp, Shropshire, Simms, Screven, Spalding, Strickland, Studstill, Wales, Wellborn and Wynn.

Those voting in the negative are Messrs. Allred, Cannon, Carlton, Causey, Dabney, Dunnagan, Gray, Guerri, Hale, Hamilton, King, McCrimmon, Paulk, Reddish, Smith, Sumner, Ware and White.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to forfeit the wife's right of dower in certain cases, and to forfeit the right of the husband to his wife's property in certain cases therein specified.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate a Bank in the town of Bainbridge to be called "The Southern Bank of Georgia."

On motion of Mr. Cone of Greene the 20th section was struck out. The report of the committee as amended was agreed to, the bill was read the third time, and upon the question, "Shall the bill now pass?" the yeas and nays were required to be recorded, and are yeas 50, nays 21.

Those voting in the affirmative are Messrs. Ashe, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Coffee, Cone of Greene, Crowder, Dixon, Dupree, Gibson, Gordon, Harris of Taliaferro, Hill, Hines, Howell, Jeter, Knight, Lawson of Burke, Long, Lott, Maddux, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Morris, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Poole, Pope, Riley, Robinson, Sapp, Shropshire,

Simms, Screven, Spalding, Studstill, Swinney, Wales, Wellborn, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Cannon, Cantrell, Chastain, Dabney, Dunnagan, Gray, Griffin, Guerry, Hale, Hamilton, Jamison, King, McCrimmon, Paulk, Reddish, Smith, Strickland, Sumner, Ware and White.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of Barnard Dugan of the county of Fulton; the report of the committee was agreed to, the bill was read the third time and passed.

Leave of absence, for a few days, was granted to Mr. Carlton.

Mr. Pope of Wilkes announced to the Senate that intelligence had just reached the Capitol of the death of the Honorable Andrew J. Miller, the Senator from the county of Richmond, and moved that a committee be appointed consisting of five members of this body, to draft resolutions in relation to this melancholy intelligence, which being seconded by Mr. Wingfield of Putnam, was unanimously agreed to by the Senate.

Whereupon the President announced the following committee, Messrs. Pope, Cone of Greene, Wingfield, Dunnagan and Wales.

Mr. Cone of Greene offered the following resolution, to-wit :

Resolved, That a committee of three on the part of the Senate be appointed by the Senate to join a similar committee on the part of the House of Representatives to proceed to Augusta, to attend the funeral of the Hon. Andrew J. Miller, late a Senator from the county of Richmond, which was unanimously agreed to by the Senate.

Whereupon the President appointed the following committee, to-wit : Messrs. Knight, Guerry and McIntosh, and on motion, the same was ordered to be forthwith communicated to the House of Representatives.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President : The House of Representatives have concurred in the resolution of the Senate appointing a committee to attend the funeral of Hon. A. J. Miller late Senator from the county of Richmond, and have appointed on their part Messrs. Dawson, Crook and Jones of Muscogee.

On motion of Mr. Knight the Senate adjourned till ten o'clock to-morrow morning.

TUESDAY, FEBRUARY 5th, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Wales, Mr. Colquitt, Secretary of the Senate, was granted leave of absence until Thursday next.

On motion Messrs. Screven and Hays were granted leave of absence for a few days.

On motion of Mr. Cone of Greene the following resolution was taken up, read and agreed to :

Resolved, That the Secretary of the Senate being absent, by leave, John B. Weems is unanimously elected Secretary of the Senate, *pro tempore*.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk, to-wit :

Mr. President: The House of Representatives have passed the following bill, to-wit :

A bill to be entitled an act to incorporate the Look-Out Rail-road Company, and for other purposes therein mentioned.

Mr. Pope from the committee appointed to draft resolutions for the action of the Senate in reference to the death of the Hon. A. J. Miller, late a Senator from Richmond, asked leave to make the following report :

That the intelligence of the death of the Hon. Andrew J. Miller late a member of the Senate from the county of Richmond is received with deep concern and regret by this body.

That the distinguished and useful public services of the deceased in the various eminent positions that he has occupied, no less than his private worth has rendered his name dear to the hearts of his countrymen. Honest as a man—just and able as a lawyer, wise and patriotic as a statesman.

We will not approach the grief and anguish of the widow and orphan ; we leave them to the merciful protection of the Great Author of our being, who in His wise but inscrutable providence has caused the bereavement, and to the consolations of that religion that brought life and immortality to light ; our warmest sympathies are with them in their affliction.

That we will wear the usual badge of mourning during the continuance of the session.

That a copy of these resolutions be sent to the family of the deceased, and also entered upon the Journals of the Senate.

A. POPE, Jr.,
F. H. CONE,
S. A. WALES,
J. DUNNAGAN,
J. WINGFIELD.

On motion the same were unanimously agreed to, and the Secretary ordered forthwith to communicate them to the House of Representatives.

The Senate was addressed in appropriate remarks by Messrs. Pope, Cone and Calhoun in relation to the talents, integrity and good qualities of the deceased Senator ; whereupon on motion of Mr. Screven, the Senate adjourned until ten o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 6th, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Landrum the following bill of the House of Representatives was taken up and read the first time, to-wit :

A bill to legalize the revision of the Jury boxes, and the drawing of the Grand and Petit Jurors of the county of Floyd for the next term of the Superior Court of said county.

On motion of Mr. Wellborn the following bill was taken up and read a second time, to-wit :

A bill to incorporate the town of Tunnel Hill in Whitfield county.

On motion of Mr. Screven the following bills of the House were taken up, read the second time, and referred to the several committees, to-wit :

A bill to be entitled an act to amend an act to incorporate a Bank in the city of Savannah to be called the Mechanics and Traders' Bank, approved February 17th, 1854, to apply the provisions of said act to the Bank of Commerce, and for other purposes therein named ; which was referred to the Committee on Banks.

A bill to be entitled an act for the relief of the Bank of the State of Georgia ; which was referred to the committee on Finance.

On motion of Mr. Bloodworth the following bill was taken up, and read a second time, to-wit :

A bill to lay out and organize a new Judicial Circuit out of the counties of Heard, Coweta, Campbell, Carroll, Haralson, Paulding and Polk, and for other purposes therein named.

On motion of Mr. Moody the Senate took up the report of the committee of the whole on the reconsidered bill to change the line between the counties of Tattnall and Liberty so as to include the residence of Henry Kicklighter.

On motion of Mr. Allred the same was amended by adding the following, to-wit :

That the line between the counties of Pickens and Lump-

kin be so changed as to include Lots of Land known as numbers 477, 478 and 479, belonging to Daniel P. Monroe, now in the county of Lumpkin, in the county of Pickens.

Mr. White moved to amend by adding the following, to-wit :

That the line between Franklin and Jackson be so changed as to include the residence of Jesse Lord in Franklin county ; which motion was agreed to ; the report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

Mr. Hardeman from the committee on Enrolment reported as duly enrolled and ready for the signature of the President of the Senate, an act to create a new Judicial Circuit to be called Pataula Circuit.

Also, an act, signed by the Speaker of the House of Representatives, and ready for the signature of the Senate, to authorize Avner Burnard of Houston county as guardian of James R. R. Haddock to settle with, and pay over his ward's estate ; and for other purposes therein named.

The Senate took up the House amendments to the following bill of the Senate, to-wit

A bill to be entitled an act to create a new Judicial Circuit of Clinch, Ware, &c., and provide for the appointment and election of Judge and Solicitor General for the same ; and on motion of Mr. Pope the same was concurred in, to-wit : The caption amended by adding the following, "to add certain counties to the Eastern Judicial District and fix the times of holding the Courts in the same."

The 6th section was amended by adding the following, to-wit : "And the several Courts in the Eastern Judicial District shall be held as follows, to-wit : In the county of Montgomery on the Thursdays before the 3rd Monday in March and 4th Monday in October. In the county of Tattnall on the 3rd Monday in March and 4th Monday in October. In the county of Bulloch on the Friday after the 3rd Monday in March and 4th Monday in October ; in the county of Effingham on the 4th Monday in March, and Monday after the 4th Monday in October ; in the county of McIntosh on the Thursday after the 2nd Monday in April and 4th Monday in November ; in the county of Liberty on the 3rd Monday in April and Monday after the 4th Monday in November ; in the county of Bryan on the Thursday after the sessions in the county of Liberty ; and all process now issued to be returned to those Courts at the terms as heretofore fixed by law, shall now be returned to said Courts as provided in this act.

On motion the special order was taken up, which was the consideration of the bill to be entitled an act to incorporate Georgia Air Line Rail-road Company, and to confer on them certain powers and privileges therein mentioned ; the re-

port of the committee was agreed to, the bill was read the third time and passed.

On motion the rules were suspended and Mr. Spalding offered the following resolution, which was read and agreed to, and ordered to be transmitted forthwith to the House of Representatives, to-wit :

Resolved by the Senate and House of Representatives, That the President of the Senate appoint a committee of five Senators to meet a like number from the House of Representatives which joint committee are instructed to report in the Representative branch of the General Assembly, a bill authorizing the construction of a main trunk railway from some point on the eastern bank of the Chattahoochee or Apalachicola river, to such point on or near the Atlantic coast as may seem to them most eligible.

On motion of Mr. Dunnagan the special order was taken up, which was the consideration of a bill to be entitled an act to protect and confer upon charitable societies certain privileges, and to make them bodies corporate and politic.

Mr. Dunnagan offered the following amendment as an addition to the 2nd section, to-wit :

Provided, that the said societies shall have recorded the name, style and object of their associations as now prescribed by law ; which was agreed to. The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to repeal an act entitled an act regulating the granting of new trials, approved February 12th, 1854, and on motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Talbot ; the report was agreed to, the bill was read the third time and passed.

The following committee was appointed by the Chair under the resolution of Mr. Spalding, to-wit : Messrs. Spalding, Cone of Greene, Screven, Atkinson and Lawton.

On motion of Mr. Cone of Greene one hundred and twenty copies of the majority and minority reports on the Bank of the Interior, also, the majority and minority reports on the Bank of Atlanta were ordered to be printed.

On motion of Mr. Dunnagan the following resolution with the report of the select committee to whom was referred all bills, to incorporate schools, academies and charitable institutions was taken up, read and agreed to, and ordered to be communicated forthwith to the House of Representatives, to-wit :

Resolved, That it is improper and wholly unnecessary to

legislate separately and specially for the above specified object.

The Senate took up the report of the committee of the whole on a bill to incorporate a bank in the city of Atlanta to be called the "State Bank of Georgia."

Mr. Calhoun moved to amend the same by striking out, wherever it occurs, the words, "The State Bank of Georgia," and insert in lieu thereof the words, "The Bank of Fulton; which motion was agreed to.

On motion of Mr. Cone of Greene the 3rd section was amended by striking out the words, "notes and certificates of specie paying banks."

On motion of Mr. Cone of Greene the 9th section was amended by inserting after the word 'Cashier,' the words, 'agent or agents.'

On motion of Mr. Cone of Greene the 11th section was amended by striking out all to the words 'in all suits,' and all after the words, 'in the same action.'

On motion of Mr. Cone the 12th section was struck out.

On motion of Mr. Cone the 14th section was amended by striking out all from the words, 'and in case of excess' down to the words, 'but said Bank,' and inserting in lieu thereof the following, to-wit: 'and in the event of such excess the charter of said Bank shall be forfeited.'

On motion of Cone the 14th section was further amended by striking out the words, "notes and certificates of specie paying banks."

On motion of Mr. Cone the 16th section was amended by adding the following, to-wit: "and in the event that the capital stock shall be impaired by any dividend, then the charter of said bank shall be forfeited."

On motion of Mr. Calhoun the 19th section was amended by striking out the words, "and no one shall subscribe for, own or purchase stock in said Bank, unless he, she or they be a citizen of Georgia," and insert the following in lieu thereof, "two-thirds of said stock shall be owned by citizens of Georgia."

Mr. Cone of Greene moved to amend by adding the following as an additional section, to-wit:

"It shall be the duty of the President and Cashier within six months after said Bank goes into operation to make out a statement of the condition of said Bank, and a list of its Stockholders and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said Bank and the kind and character of the funds of which it is composed, and also the amount of indebtedness of said bank, and the character of said indebtedness which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers printed in Atlanta for two successive weeks, and such list and statement

as aforesaid shall be published every six months thereafter verified as aforesaid, and any neglect to publish the same for twenty days, shall cause a forfeiture of all the rights and privileges granted by this act.

Whereupon the yeas and nays were required to be recorded, and are yeas 34, nays 27.

Those voting in the affirmative are Messrs. Adams, Allred, Avery, Brice, Brown of Calhoun, Brown of Gwinnett, Camden, Cantrell, Colbert, Cone of Greene, Dunnagan, Gray, Grant, Hale, Hamilton, Harris of Talliaferro, Lott, Maddux, McDonald, McIntosh, Moore of Cobb, Moreland, Paulk, Pharr, Ponder, Poole, Ragan, Reddish, Riley, Scott, Smith, Studstill, Sumner and Wynn.

Those voting in the negative are Messrs. Ashe, Bloodworth, Brown of Baldwin, Buchanan, Calhoun, Cannon, Causey, Coffee, Crowder, Cumming, Dupree, Hardeman, Hill, Hines, King, Knight, Long, Matthews, Moody, Morris, Murray, Nichols, Patterson of Gilmer, Robinson, Screven, Strickland, Wales and Wellborn.

So the motion to amend was agreed to.

The report of committee of the whole as amended was agreed to, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 50, nays 21.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Chastain, Coffee, Cone of Greene, Crowder, Dupree, Grant, Hardeman, Harris of Taliaferro, Harris of Worth, Hill, Knight, Lawson of Burke, Long, Lott, Maddux, Matthews, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Murphy, Murray, Nichols, Patterson of Gilmer, Ponder, Poole, Ragan, Robinson, Shropshire, Simms, Scott, Screven, Strickland, Studstill, Swinney, Wales, Wellborn, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Bloodworth, Brown of Calhoun, Cantrell, Colbert, Cumming, Dunnagan, Gray, Guerri, Hale, Hamilton, King, McCrimmon, Moreland, Paulk, Pharr, Reddish, Riley, Smith and Sumner.

So the bill was passed under the following title, to-wit: A bill to incorporate a bank in the city of Atlanta to be called 'The Bank of Fulton.'

Mr. Guerri from the committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate, an act to amend an act entitled an act to amend an act to incorporate the Brunswick and Florida Railroad Company, passed 22d December, 1855, and also to amend an act amendatory of the same, assented to 27th December, 1838.

The following message was received from the House of Representatives by Mr. Speer, their Clerk :

Mr. President: The House of Representatives have concurred in the resolutions of the Senate in reference to the death of the Honorable Andrew J. Miller late Senator from the county of Richmond.

I am also directed to inform the Senate that the House of Representatives have adopted the report of the joint committee of conference on the subject of the general appropriation bill, thereby receding from their disagreement to the amendments proposed by the Senate.

The Senate took up the report of the committee of the whole on a bill to authorize William B. Wofford to build and keep up a mill dam across the Conasauga river, on his own land in Murray county.

Mr. Cone of Greene moved to amend the same by adding the following proviso, to-wit :

“Provided, that the continuance of the same does not increase the sickness of the neighborhood”; which motion was agreed to; the report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to explain and amend an act entitled an act to regulate the mode of suing the bonds of executors, administrators and guardians, approved January 15th, 1852; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the time of meeting of the General Assembly of this State from the 1st Monday in November to the 1st Wednesday in November; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the mode of executors, administrators and guardians making returns, and to prevent Ordinaries from practising law in the Courts of this State.

Mr. Hardeman moved to strike out the 3rd section; which was agreed to.

The report of the committee of the whole as amended was agreed to, the bill was read the third time, and upon the question, ‘Shall this bill now pass?’ the yeas and nays were required to be recorded, and are yeas 47, nays 33.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Camden, Cantrell, Cone of Greene, Cumming, Dupree, Gordon, Griffin, Guerri, Hamilton, Harris of Worth, Hines, Knight, Lawson of Burke, Long, Lott, Maddux, Matthews, McCrimmon, McDonald, McIntosh, Moreland, Morris, Murray, Nichols, Paulk, Ponder, Pope,

Ragan, Riley, Sapp, Scott, Screven, Smith, Studstill, Sumner, Ware, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Brown of Calhoun, Buchanan, Calhoun, Chastain, Coffee, Colbert, Dabney, Gray, Grant, Hale, Hardeman, Harris of Talliaferro, Hill, Jeter, King, Landrum, Lawton, Moody, Moore of Cobb, Murphy, Patterson of Gilmer, Pharr, Poole, Reddish, Robinson, Shropshire, Simms, Spalding, Strickland, Wales and Welborn.

So the bill was passed.

Leave of absence for a few days was granted to Messrs. Dixon and Marshall.

On motion of Mr. Nichols, Mr. Calhoun was added to the committee to whom was referred the bill in relation to Engineer's duties at rail-road crossings, in place of Mr. Miller, deceased.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment

The Senate took up the regular order, which was the consideration of the report of the committee of the whole on a bill to be entitled an act to authorize the Governor to employ the Convicts in the Penitentiary to get granite for the re-building of the Capitol at Milledgeville, and for other purposes therein mentioned; the report of the committee was disagreed to the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorize the Ordinary of the county of Taylor to pay over to James P. Rosau and William A. Graham certain sums of money therein specified; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorise the Ordinary and other officers in the county of Decatur to advertise their citations and notices of sales in some of the papers published at Milledgeville, and on motion the same was indefinitely postponed.

On motion of Mr. Hill the bill in relation to making uniform the fees of the several Ordinaries in this State, also all bills in relation to the fees of officers in this State be referred to a special committee.

The committee appointed by the Chair were Messrs. Hill, Simms, Moore of Cobb, Dunnagan and Patterson of Gilmer.

The Senate took up the report of the committee of the

whole on a bill to be entitled an act to prohibit the retailing of spirituous or fermented liquors without license, to prescribe the manner in which license may be obtained, and also the terms and conditions; to punish those who may retail without license, to prohibit retailing on certain days and to certain persons, and to prohibit the sale or furnishing of spirituous or fermented liquors to slaves or free persons of color, and also to prohibit the employment of such persons in any retail shops, and also to prevent their carrying or having such liquors on board rail-road cars, and for other purposes.

Mr. Murray offered the following in lieu of the first section, to-wit:

“It shall not be lawful for any person or persons to sell spirituous or fermented liquors, less than one gallon, without a license for that purpose”; which was lost.

Mr. Hardeman moved to amend the 13th section by inserting after the words, ‘shall furnish’ the words, ‘for the use of said slave or free person of color’; which was agreed to.

Mr. Screven moved to amend the same by inserting after the words, ‘his or her consent’ the words, ‘or without the written permission of the owner of such slave or guardian of such free person of color’; which was agreed to.

Mr. Bloodworth moved that the bill and amendments be laid on the table for the balance of the session, upon which motion the yeas and nays were required to be recorded, and are yeas 48, nays 33.

Those voting in the affirmative are Messrs. Allred, Ashe, Atkinson, Beall, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Causey, Chastain, Coffee, Cumming, Dabney, Dunnagan, Gray, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Taliaferro, Howell, Jeter, Lawton, Lott, McCrimmon, McDonald, McGuire, Moody, Moore of Cobb, Morris, Murphy, Nichols, Patterson of Gilmer, Poole, Riley, Sapp, Shropshire, Screven, Smith, Strickland, Sumner, Ware, Whitaker and White.

Those voting in the negative are Messrs. Billups, Brown of Baldwin, Calhoun, Cannon, Cantrell, Cone of Greene, Crowder, Dupree, Grant, Hardeman, Hill, Hines, King, Landrum, Lawson of Burke, Long, Maddux, Matthews, McIntosh, Moreland, Murray, Paulk, Ponder, Pope, Ragan, Robinson, Simms, Scott, Spalding, Studstill, Wales, Wellborn, Wingfield and Wynn.

So the motion to postpone indefinitely was agreed to.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to alter and amend the oath of witnesses to be sent before the Grand Jury.

The report of the committee was agreed to, and on the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 16, nays 65.

Those voting in the affirmative are Messrs. Brice, Cannon, Cone of Greene, Crowder, Landrum, Lawson of Burke, Long, Maddux, Matthews, McDonald, Moreland, Murphy, Murray, Pope, Ragan and Scott.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Billups, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Causey, Chastain, Coffee, Colbert, Cumming, Dabney, Dunnagan, Dupree, Gray, Gordon, Grant, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hill, Howell, Jeter, King, Knight, Lawton, Lott, McCrimmon, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Nichols, Patterson of Gilmer, Paulk, Pharr, Poole, Riley, Roddenberry, Sapp, Shropshire, Simms, Screven, Smith, Spalding, Strickland, Studstill, Sumner, Wales, Ware, Wellborn. Whitaker, White, Wingfield and Wynn.

So the bill was lost.

On motion of Mr. McMillan the regular order was suspended and the Senate took up the bill to incorporate the North-Eastern Rail-road Company, and the following was read for the information of the Senate, to-wit:

A bill to establish a Board of Commissioners of Internal Improvements, prescribe their duties and to aid in carrying out such works of Internal Improvement, as may be necessary for the benefit of the people of this State, and the same was laid on the table.

On motion of Mr. Grant leave of absence was granted to Mr. McMillan until Saturday next.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

THURSDAY, FEBRUARY 7th, 1856.

The Senate met pursuant to adjournment.

Mr. Camden moved to reconsider so much of the Journal of yesterday, as relates to the passage of the bill to incorporate the Georgia Air-line Rail-road Company: which motion was lost.

Mr. Wingfield moved to reconsider so much of the Journal of yesterday as relates to the rejection of the bill to prohibit the retailing of spirituous or fermented liquors without license, and for other purposes: whereupon the yeas and nays were required to be recorded and are yeas 43, nays 42.

Those voting in the affirmative are Messrs. Billups, Buchanan, Calhoun, Cannon, Cantrell, Cone of Greene, Cumming, Dabney, Dupree, Grant, Hardeman, Hines, Jeter, King, Knight, Lawson of Burke, Lawton, Long, Maddux,

Matthews, McCrimmon, McDonald, Moreland, Morris, Murray, Nichols, Ponder, Poole, Pope, Ragan, Shropshire, Scott, Screven, Smith, Spalding, Studstill, Sumner, Swinner, Wales, Welborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Avery, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Camden, Causey, Chastain, Coffee, Colbert, Crowder, Dunnagan, Gray, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hill, Howell, Jamison, Lott, McGuire, McIntosh, Moody, Moore of Cobb, Patterson of Gilmer, Paulk, Pharr, Reddish, Riley, Robinson, Sapp, Simms, Strickland, Ware, and White.

So the motion to reconsider prevailed.

On motion of Mr. Moore of Cobb, the rules were suspended and the Senate took up the report of the committee of the whole on a bill for the relief of Harriet P. Boyd of the county of Cobb. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of administrators and guardians and executors, so far as to remove their disqualification from holding the office of Ordinary or deputy-ordinary in the several counties of this State. The report of the committee of the whole was agreed to; the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 24, nays 54.

Those voting in the affirmative are Messrs. Allred, Ashe, Brown of Calhoun, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Colbert, Gray, Howell, King, Knight, Landrum, Long, McDonald, Moore of Cobb, Murray, Patterson of Gilmer, Poole, Pope, Screven, Studstill, Ware and White.

Those voting in the negative are Messrs. Atkinson, Avery, Billups, Bloodworth, Brown of Baldwin, Buchanan, Camden, Causey, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dunnagan, Gordon, Grant, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hill, Jeter, Lawson of Burke, Lawton, Maddux, Matthews, McCrimmon, McGuire, McIntosh, Moody, Moreland, Murphy, Nichols, Paulk, Pharr, Reddish, Riley, Robinson, Sapp, Shropshire, Simms, Scott, Smith, Spalding, Sumner, Swinney, Wales, Welborn, Whitaker, Winfield and Wynn.

So the bill was lost.

Mr. Calhoun from the special committee to whom was referred a bill to repeal an act assented to January 22d, 1852, compelling engineers to whistle at crossings, reported the following as a substitute for the same, and recommend that the same do pass, to-wit:

A bill to be entitled an act to repeal an act entitled an act to prescribe certain rules and regulations to be observed by

the several Rail-road Companies in running engines upon their respective tracks, and annex a penalty for the violation of the same, approved January 22d, 1852.

On motion of Mr. Calhoun, the original was amended and the bill reported by the committee, was inserted as a substitute.

The report of the committee of the whole as amended, was agreed to. The bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 29, nays 61.

Those voting in the affirmative are Messrs. Brown of Baldwin, Buchanan, Calhoun, Dupree, Grant, Guerry, Hardeman, Harris of Worth, Knight, Lawson of Burke, Lawton, Long, Lott, McDonald, Moore of Cobb, Moreland, Murphy, Nichols, Poole, Riley, Shropshire, Scott, Screven, Spalding, Sumner, Swinney, Wales, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Colbert, Cone of Greene, Crowder, Cumming, Dabney, Dunnagan, Gray, Gordon, Griffin, Hale, Hamilton, Harris of Taliaferro, Hill, Howell, King, Matthews, McCrimmon, McGuire, McIntosh, Moody, Morris, Murray, Patterson of Gilmer, Paulk, Pharr, Ponder, Pope, Ragan, Reddish, Robinson, Sapp, Simms, Smith, Strickland, Studstill, Ware, Wellborn, Whitaker and White.

So the bill was lost.

Mr. Guerry from the committee on enrolment, reports as duly enrolled and ready for the signature of the President of the Senate, an act to change, define and limit the time of holding the Superior Courts of the counties of Crawford, Twiggs, Macon and Dooly.

On motion of Mr. Hill, the Senate took up the report of the committee of the whole on a bill to alter and change the time of holding the Superior Courts of the counties of Marion, Harris and Muscogee.

Mr. Simms offered the following amendments as additional sections, which were agreed to, to-wit:

And be it further enacted, That the times of holding the Superior Courts in the South-western Circuit, shall be altered and fixed as follows, to-wit:

In Sumter county, on the 2d and 3d Mondays in March and September in each year. In Lee county, on the 4th Monday in March and September and the Monday thereafter in each year. In Decatur county on the fourth Monday in April and October and the Monday thereafter in each year. In Baker county on the second and third Mondays in May and November in each year. In Calhoun county on the 4th Mondays in May and November of each year. In the county of Dougherty on the Monday after the 4th Monday in May and November of each year.

And be it further enacted, That the times for holding the Superior Courts for the Pataula Circuit, shall be as follows:

In the county of Early on the third Monday in March and September, in each year. In the county of Clay on the 4th Monday in March and September in each year. In the county of Kinchafoonee on the first Monday in April and October in each year. In the county of Stewart on the third and fourth Mondays in April and October in each year. In the county of Randolph on the first and second Mondays in May and November in each year.

And be it further enacted, That when the business of said courts is not disposed of at the regular terms of said Courts, it shall be lawful for the Judge to adjourn said court to some future day, and draw a jury for said adjourned term, and to try said unfinished business; and it shall be lawful to subpoena and compel the attendance of witnesses at said time, and to sue out commisions and take interrogatories and make them returnable to said adjourned term.

And be it further enacted, That all persons bound as suitors or summoned to appear as witnesses or in any other manner to attend said Superior Courts, at the time which, by the laws of this State now in force, the said Courts are held, shall be bound to attend said Courts at the times specified by this act.

And be it further enacted, That all writs, executions, and other processes issued and returned to the said Superior Courts under the law now of force, shall be considered and adjudged as returned to the terms specified in this act, and all bonds taken and given, and other proceeding in such cause shall in like manner be good and valid.

Mr. Lawton moved to lay the amendments on the table for the present, which was lost.

Mr. Knight offered the following amendment as an additional section; which was agreed to, to-wit:

And be it further enacted, That the regular terms of the Superior Courts of the county of Lowndes shall be held on the Monday after the fourth Mondays in May and November, and the time allowed for holding the same shall be two weeks.

And be it further enacted, That the Judge of said Court be and he is hereby authorised to draw two panels of grand and petit jurors at each term of said Court.

On motion of Mr. Ponder, the following was added as an additional section, to-wit:

And be it further enacted, That the Superior Courts of the county of Thomas shall be held on the 3d Mondays in May and November, and shall hold two weeks, and two panels of grand and petit jurors shall be drawn for each term of said Court.

Mr. Hill offered the following amendments as additional sections, which were agreed to, to-wit:

And be it further enacted by the authority aforesaid, That from and after the passage of this act, the Superior Courts of the county of Butts shall be held on the first Monday in June and the first Monday in December in each year, instead of the second Monday in March and September; and that all persons summoned, subpoenaed or bound as suitors, witnesses, jurors, or in any manner or capacity to attend said courts at the time which by the laws now in force, they are holden, shall be bound by said bond, summons, subpoenae, or other process heretofore issued, to attend said courts at the time specified in this act.

Be it further enacted by the authority aforesaid, That the Inferior Courts of Harris shall be on the second Mondays in January and July in each and every year, instead of the second Mondays in December and June; and that all persons whether witnesses, suitors or jurors, bound to attend said court at the time now prescribed by law, shall by this act be bound to attend said court at the time prescribed by this act.

The report of the committee of the whole as amended was agreed to; the bill was read the third time and passed under the following title, to-wit :

A bill to be entitled an act to alter and change the time of holding the Superior Courts of the counties of Marion, Harris and Muscogee; also to change the times of holding the Superior Courts in the South-western circuit, in certain counties therein named; to arrange the times of holding the Superior Courts for the Pataula Circuit, &c., and for other purposes therein named.

Mr. Guerry from the committee on enrollment, reports as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to create a new Judicial Circuit of Clinch, Ware, &c., and provide for the appointment and election of a Judge and Solicitor for the same, and to add certain counties to the Eastern Judicial District, and fix the times of holding the courts in the same.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bill of the Senate, to-wit:

A bill to be entitled an act to change, define and limit the time of holding the Superior Courts of the counties of Crawford, Twiggs, Macon and Dooly.

They have also concurred in the resolution of the Senate appointing a select committee of 5 to join a like committee appointed on the part of the House to report a bill in the House of Representatives, for the construction of a main trunk railway from some point on the eastern bank of the Chattahoochee or Apalachicola river to such point as may seem most

eligible, with certain amendments, to which they ask the concurrence of the Senate; and have appointed on their part, as said committee, Messrs. Jones of Muscogee, Lawton. Burnett, Lewis of Hancock and Crook. All of which I have been instructed to communicate at once to the Senate.

The Senate took up the report of the committee of the whole on a bill to facilitate the collection of intestates estates in certain cases, without administration. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorise the Governor to furnish certain books to the magistrates of the 710th dist. of Marion county.

On motion of Mr. Riley, the same was laid on the table for the present.

Mr. Long, from the committee to whom was referred a bill to be entitled an act to appropriate money for the completion of the State Lunatic Asylum and for other purposes, report :

That they have had the bill and the work designed to be perfected by the money proposed to be appropriated in it, under consideration for several days. We find the bill imperfect in some respects, and would recommend that the 2nd section be stricken out, and the following inserted as a substitute :

And be it further enacted, That the Superintendent and Resident Physician shall be entitled to five hundred dollars annually for the years 1856 and 1857, for the support of his family.

We recommend also the following additional section:

Be it further enacted, That it shall be the duty of the Commissioners aforesaid, to take bond and security from the Superintendent of the work, in double the amount of their salaries or fees, for the faithful performance of their duty, and that it shall be the duty of the Governor to visit the Asylum, whenever he may deem it advisable for the interests of the State; and should he consider that the work is not properly conducted and faithfully executed, he shall be and by the provisions of this section is, required to suspend the issuing of his warrants for the payment of said Superintendent and Contractors, until the work shall be faithfully executed, in pursuance of their contracts.

We have examined the contracts for the work already let, and find that the Commissioners have required bond and security for its faithful performance in every instance. The vouchers for the money paid out, are all in our possession, and can be examined by any one who desires it. The contracts, we think, for the most part, have been let on reasonable terms, and the work under them is progressing as favorably as circumstances will admit.

For many reasons, (too numerous to mention in this report.) we recommend the passage of the bill as amended.

We recommend also. the publication of one hundred and twenty copies of the Report of the Commissioners for the use of the Senate.

On motion of Mr. Landrum, the report was laid upon the table for the present.

On motion of Mr. Hardeman, the Senate took up the message of the House of Representatives in relation to the appointment of a committee to report a bill for the construction of a main trunk railway.

On motion of Mr. Hardeman, the amendment of the House of Representatives was concurred in by the Senate, striking out all after the words "main trunk railway" and inserting the following in lieu thereof, to-wit:

"From such point as may seem eligible to them on or near the eastern border of this State to such point on or near the western, as will connect the Gulf with the Atlantic by the best route; and said committee are hereby required to report in pursuance of this resolution, at farthest by Monday 13th instant.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to manumit a negro man slave named Boston, the property of several persons therein named. The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the place of holding Justices' Courts in the 476th Dist. of the county of Newton. The report of the committee was agreed; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate a bank in the town of Ringgold, Georgia, to be called the North-Western bank of Georgia.

Mr. Cone of Greene moved to amend the 10th section by adding the following words:—And in the event of an excess of that amount, the charter shall be forfeited; which was agreed to.

Mr. Cone of Greene moved to amend the 18th section by inserting after the words "citizen of Georgia" the words "and two-thirds of said stock shall be subscribed for by citizens of Georgia;" which motion was agreed to.

On motion of Mr. Cone of Greene, the 18th section was further amended by inserting after the word "stock" the words "for the entire indebtedness of said bank."

On motion of Mr. Cone of Greene, the following were added as additional sections, to-wit:

It shall be the duty of the President and Cashier within six months after said bank goes into operation, to make out

a statement of the condition of said bank and a list of its stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said bank and the kind and character of the funds of which it is composed; and also the amount of indebtedness of said bank, and the character of said indebtedness, which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers printed in Dalton for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for twenty day, shall cause a forfeiture of all the rights and privileges granted by this act.

And be it further enacted, That those who were stockholders of said bank at the time a list of the stockholders was advertised next before the failure of said bank to redeem its notes on demand or pay any other debts on demand, shall be held, considered and taken as stockholders at the time of such failure, and shall be liable as stockholders, according to the provisions of this act. and shall be liable to execution according to the provisions of this act.

The report of the committee as amended was agreed to; the bill was read the third time, and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 30, nays 36.

Those voting in the affirmative are Messrs. Ashe, Buchanan, Calhoun, Cantrell, Coffee, Cone of Greene, Crowder, Dupree, Gordon, Hale, Hill, Jamison, Knight, Lawson of Burke, Long, Maddux, Matthews, Moody, Moore of Cobb, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Poole, Screven, Studstill, Wales, Wellborn and Whitaker.

Those voting in the negative are Messrs. Allred, Avery, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Causey, Colbert, Cumming, Dunnagan, Gray, Grant, Griffin, Guerry, Hamilton, Harris of Taliaferro, Harris of Worth, Howell, King, Landrum, McCrimmon, McDonald, Moreland, Paulk, Pharr, Ponder, Pope, Reddish, Shropshire, Smith, Strickland, Sumner, Ware, White, and Wingfield.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill requiring the Judge of the Superior Courts of Jackson county, to hold the courts for the August term in said county, two weeks in certain cases. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to incorporate a bank in the town of Madison to be called "the bank of Madison."

On motion of Mr. Cone of Greene, the 17th section was stricken out.

On motion of Mr. Cone of Greene, the 21st section of the same was struck out.

The report of the committee as amended was agreed to; the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 31, nays 35.

Those voting in the affirmative are Messrs. Ashe, Brown of Baldwin, Buchanan, Coffee, Cone of Greene, Harris of Taliaferro, Hill, Knight, Landrum, Lawson of Burke, Lawton, Long, McGuire, Moody, Morris, Murphy, Murray, Patterson of Gilmer, Pharr, Poole, Ragan, Scott, Screven, Smith, Spalding, Studstill, Ware, Welborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Atkinson, Avery, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Cannon, Cantrell, Causey, Chastain, Crowder, Cumming, Dabney, Dunnagan, Gray, Gordon, Guerry, Hale, Hamilton, Harris of Worth, Howell, Jamison, King; Matthews, McCrimmon, McDonald, Moreland, Nichols, Paulk, Ponder, Pope, Reddish, Shropshire, Strickland and Sumner.

So the bill was lost.

On motion the Senate adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order, which was the consideration of the report of the committee of the whole on a bill for the relief of William L. Strain of Greene county. The report of the committee was agreed to; the bill was read the third time and passed.

On motion, the following bill of the House of Representatives was taken up and read a second time, to-wit:

A bill to be entitled an act to legalise the revision of the Jury-boxes, and the drawing of the Grand and Petit Jurors of the county of Floyd for the next term of the Superior Court of said county.

The Senate took up the report of the committee of the whole on a bill to repeal an act approved February 18th, 1854, entitled an act to require the Receivers of Tax Returns in the several counties of this State to ascertain the number of children in the several counties, between the ages of 8 and 16. and for other purposes therein named.

The report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to limit the fees of witnesses.

The report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to amend an act relative to appeals.

On motion, the same was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole on a bill to amend an act to prohibit the manumission of slaves.

Mr. Jeter moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded and are yeas 23, nays 50.

Those who voted in the affirmative are Messrs. Allred, Ashe, Baxter, Causey, Grant, Guerry, Hardeman, Harris of Worth, Hill, Jeter, King, Long, Lott, McIntosh, Morris, Patterson of Gilmer, Paulk, Reddish, Riley, Shropshire, Spalding, and Strickland, Sumner and Wales.

Those voting in the negative are Messrs. Adams, Atkinson, Avery, Billups, Bloodworth, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dabney, Dupree, Gordon, Griffin, Hale, Hamilton, Harris of Taliaferro, Howell, Jamison, Knight, Landrum, Maddux, Matthews, McCrimmon, McDonald, McGuire, Moody, Moore of Cobb, Moreland, Murray, Pharr, Ponder, Poole, Pope, Robinson, Simms, Scott, Smith, Studstill, Swinney, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion to postpone indefinitely was lost.

Mr. Cone of Greene moved to amend the same by adding the following, to-wit:

That all wills and other instruments by which slaves are to be removed and made free by being removed beyond the limits of this State, shall be null and void so far as the emancipation of said slaves are concerned.

Mr. Pope moved to amend the same by adding the following proviso:

Provided, That nothing in this bill shall be construed as to prevent slaves being freed on condition of their being transported beyond the limits of this country; whereupon the yeas and nays were required to be recorded and are yeas 30, nays 43.

Those voting in the affirmative are Messrs. Ashe, Baxter, Brown of Gwinnett, Crowder, Dabney, Dunnagan, Grant, Hale, Hardeman, Hill, Jeter, King, Knight, Long, McGuire, McIntosh, Moore of Cobb, Moreland, Morris, Paulk, Pharr, Pope, Reddish, Riley, Shropshire, Smith, Spalding, Strickland, Wales and Whitaker.

Those voting in the negative are Messrs. Adams, Allred,

Atkinson, Billups, Bloodworth, Buchanan, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Cone of Greene, Cumming, Dupree, Gray, Gordon, Griffin, Hamilton, Harris of Taliaferro, Harris of Worth, Howell, Jamison, Landrum, Matthews, McCrimmon, McDonald, Moody, Murray, Patterson of Gilmer, Poole, Robinson, Sapp, Simms, Scott, Screven, Studstill, Swinney, Ware, Wellborn, White, Wingfield and Wynn.

So the motion to amend was lost.

The question then recurred upon the amendment of Mr. Cone of Greene, whereupon the yeas and nays were required to be recorded and are yeas 51, nays 26.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Billups, Bloodworth, Buchanan, Camden, Cannon, Cantrell, Chastain, Coffee, Colbert, Cone of Greene, Cumming, Dabney, Dupree, Gordon, Griffin, Hale, Hamilton, Harris of Taliaferro, Howell, Jamison, Landrum, Maddux, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moreland, Murray, Pharr, Ponder, Poole, Robinson, Sapp, Simms, Scott, Screven, Smith, Studstill, Sumner, Swinney, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Baxter, Brown of Gwinnett, Crowder, Dunnagan, Grant, Hardeman, Harris of Worth, Hill, Jeter, King, Lawson of Burke, Long, Lott, McGuire, Moore of Cobb, Morris, Patterson of Gilmer, Paulk, Pope, Ragan, Riley, Shropshire, Spalding, Strickland and Wales.

So the amendment of Mr. Cone of Greene was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 49, nays 30.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Billups, Bloodworth, Buchanan, Camden, Cannon, Cantrell, Chastain, Coffee, Colbert, Cone of Greene, Cumming, Dabney, Dupree, Gray, Gordon, Griffin, Hamilton, Harris of Taliaferro, Howell, Landrum, Maddux, Matthews, McCrimmon, McDonald, Moody, Moreland, Murray, Pharr, Poole, Reddish, Robinson, Sapp, Simms, Scott, Screven, Smith, Studstill, Sumner, Swinney, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Baxter, Brown of Gwinnett, Causey, Crowder, Dunnagan, Grant, Hale, Hardeman, Harris of Worth, Hill, Jamison, Jeter, King, Knight, Long, Lott, McGuire, McIntosh, Moore of Cobb, Morris, Patterson of Gilmer, Paulk, Ponder, Pope, Ragan, Riley, Shropshire, Spalding, Strickland and Wales.

So the bill was passed.

The Senate took up the report of the committee of the

whole on a bill to be entitled an act declaring what persons shall be liable to pay physicians for services rendered to slaves who are hired or otherwise in possession of bailees.

Mr. Poole moved to amend by adding the following, to-wit:

Provided, the owner or guardian be notified of the sickness of the hired negro; which motion was agreed to.

The report of the committee as amended was agreed to;—the bill was read the third time and passed.

Mr. Brice was granted leave of absence for a few days.

On motion of Mr. Allred, Mr. Harris of Worth was added to the Committee on Journals.

On motion the Senate then adjourned until ten o'clock tomorrow morning.

FRIDAY, FEBRUARY 8th, 1856.

The Senate met pursuant to adjournment.

Mr. Moore of Cobb moved to reconsider so much of the Journal of yesterday, as relates to the rejection of the bill for the relief of administrators, executors and guardians, so far as to remove their disqualification from holding the office of Ordinary or Deputy Ordinary in the several counties in this State; which motion was agreed to.

Mr. Lawton moved to reconsider so much of the Journal of yesterday as relates to the passage of a bill to alter and change the times of holding the Superior Courts of the counties of Marion, Harris and Muscogee, and for other purposes therein mentioned; whereupon the yeas and nays were required to be recorded, and are yeas 28, nays 49.

Those voting in the affirmative are Messrs. Allred, Ashe, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Dunnagan, Hamilton, Howell, King, Landrum, Lawson of Burke, Lawton, Matthews, McDonald, Moore of Cobb, Morris, Nichols, Patterson of Gilmer, Paulk, Poole, Pope, Screven, Whitaker and Wynn.

Those voting in the negative are Messrs. Adams, Avery, Baxter, Billups, Bloodworth, Calhoun, Cannon, Coffee, Colbert, Cone of Greene, Crowder, Dabney, Fambro, Gray, Gordon, Grant, Griffin, Guerry, Hale, Harris of Taliaferro, Harris of Worth, Hays, Head, Hill, Hines, Maddux, McCrimmon, McGuire, Moody, Moreland, Murphy, Murray, Pharr, Ponder, Reddish, Riley, Sapp, Shropshire, Simms, Scott, Smith, Strickland, Studstill, Sumner, Swinney, Wales, Ware, White and Wingfield.

So the motion to re-consider was lost.

Mr. Dunnagan moved to reconsider so much of the Journ-

al of yesterday as relates to the passage of a bill to amend an act to prohibit the manumission of slaves; whereupon the yeas and nays were required to be recorded, and are yeas 30, nays 50.

Those voting in the affirmative are Messrs. Allred, Ashe, Baxter, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Crowder, Dunnagan, Grant, Hale, Head, Hill, Jamison, Jeter, King, Knight, Lawson of Burke, McGuire, McIntosh, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Paulk, Pharr, Ponder, Pope, Riley, Shropshire and Wales.

Those voting in the negative are Messrs. Avery, Bloodworth, Buchanan, Calhoun, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Colbert, Cone of Greene, Cumming, Dabney, Fambro, Gray, Gordon, Griffin, Hamilton, Harris of Taliaferro, Hays, Hines, Howell, Landrun, Maddux, Matthews, McCrimmon, McDonald, Moody, Moreland, Murray, Poole, Ragan, Reddish, Robinson, Sapp, Simms, Scott, Screven, Smith, Strickland, Studstill, Sumner, Swinney, Ware, Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion to reconsider was lost.

Mr. Wellborn moved to reconsider so much of the Journal of yesterday as relates to the rejection of the bill to incorporate the North-Western Bank of Georgia; whereupon the yeas and nays were required to be recorded, and are yeas 47, nays 33.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Baxter, Billups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Cantrell, Chastain, Coffee, Cone of Greene, Crowder, Fambro, Gordon, Hale, Harris of Taliaferro, Head, Hill, Jamison, Jeter, King, Knight, Lawson of Burke, Long, Lott, Maddux, Matthews, McDonald, McIntosh, Moody, Moore of Cobb, Morris, Murphy, Murray, Patterson of Gilmer, Poole, Ragan, Robinson, Simms, Scott, Screven, Studstill, Swinney, Wales, Wellborn and Whitaker.

Those voting in the negative are Messrs. Adams, Allred, Avery, Bloodworth, Brown of Calhoun, Camden, Cannon, Causey, Colbert, Cumming, Dunnagan, Gray, Grant, Guerry, Hamilton, Harris of Worth, Hays, Hines, Howell, Landrum, McGuire, Moreland, Paulk, Pope, Riley, Sapp, Shropshire, Smith, Strickland, Sumner, Ware, White and Wynn.

So the motion prevailed.

Mr. Billups moved to reconsider so much of the Journal of yesterday as relates to the rejection of the bill to incorporate 'The Bank of Madison'; which motion was agreed to.

On motion of Mr. Adams the rules were suspended, and Mr. Adams reported a bill to incorporate the Fort Gaines

Bridge Company, and to punish those who may wilfully impair the same'; which was read the first time.

Mr. Guerry from the Committee on Enrolment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, an act to appropriate money for the support of government for the political years of eighteen hundred and fifty-six and eighteen hundred and fifty-seven.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills. to-wit:

A bill to be entitled an act for the relief of John Huie of the county of Fayette.

A bill to be entitled an act to allow any joint tenant, tenant in common or other person having a part interest in lands or tenements to maintain a separate action of Ejectment or Trespass; and for other purposes.

A bill to be entitled an act for the relief of Joseph Landrum of the county of Oglethorpe.

A bill to be entitled an act for the relief of Osborne J. Register of the county of Fulton.

A bill to be entitled an act to give defendants damages for frivolous suits against them.

A bill to be entitled an act to authorize the Treasurer to pay over to the Ordinary of Chattahoochee county, or his agent, the poor school fund for the year 1854.

A bill to be entitled an act to authorize Rufus Barker of the county of Floyd to practice medicine in the county of Floyd, and to sue and collect for the same.

On motion Mr. Bloodworth the following resolution was taken up:

Whereas the citizens of Carroll county, Georgia, are laboring under great disadvantages for the want of proper mail facilities to Carrollton:

Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, That our Senators and Representatives in Congress be, and they are hereby requested to use their influence to have the mail route from Newnan to Carrollton so changed as to make it a tri-weekly route.

On motion of Mr. Nichols the same was amended by inserting after the word 'Carrollton' the words 'and from Magnolia in Clinch to Douglas in Coffee counties.'

On motion of Mr. Hamilton the same was further amended by adding 'also Vienna in Dooly county to Troupville in Lowndes county.' The resolution as amended was agreed to.

The Senate took up the report of the committee of the whole on a bill to change the line between the counties of Cobb and Cherokee.

On motion of Mr. Guerry the same was amended by adding the following as an additional section, to-wit :

And be it further enacted, That the line between the counties of Randolph and Clay be so changed as to include lots of land Nos. 241, 272, 273, 274, 403 and 404, now in the county of Randolph, in the county of Clay.

Mr. Paulk offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That all that portion of Coffee county on the west side of Willocoochie river be added to the county of Irwin.

Mr. Nichols offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That lot of land No. 170 in the 7th District of originally Appling now Clinch county be attached to the county of Coffee so as to add the residence of John Peterson now in the county of Clinch to the county of Coffee.

Mr. Adams offered the following as an additional section, which was lost, to-wit :

"To add lots of land No. 89, 90, 91 and 92 in the county of Randolph to the county of Clay.

Mr. Lawton offered the following as an additional section, to-wit :

Be it enacted by the General Assembly of Georgia, That from and after the passage of this act the fractional range of land lots on the southern line and the five ranges of land lots lying parallel thereto, north of said fractional lots of land in the 1st, 2nd and 3rd land districts of Lee county be, and the same is hereby added to Dougherty county in this State, and shall become a part of said county ; whereupon the yeas and nays were required to be recorded and are yeas 23, nays 55.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Brown of Calhoun, Cantrell, Chastain, Colbert, Cumming, Grant, Harris of Worth, Hays, Howell, Jeter, Lawton, Lott, Matthews, Paulk, Ponder, Reddish, Shropshire, Smith and Ware.

Those voting in the negative are Messrs. Avery, Baxter, Beall, Billups, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cannon, Coffee, Cone of Greene, Crowder, Dabney, Dunnagan, Fambro, Gray, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Head, Hill, Hines, Jamison, King, Landrum, Maddux, McCrimmon, McDonald, McIntosh, Moody, Moore of Cobb, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Poole, Pope, Ragan, Riley, Robinson, Screven, Studstill, Sumner, Wales, Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion was lost.

The report of the committee as amended was agreed to the bill was read the third time and passed.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary :

Mr. President: I am directed by the Governor to transmit to the Senate a communication in writing with accompanying documents:

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., February 8th, 1856. }

To the Senate:

I have the honor herewith to transmit the reply of James F. Cooper the Superintendent of the Western & Atlantic Rail-road, to a resolution of your honorable body asking information touching the sale of certain iron, now in progress of being taken up from the track of said Road.

HERSCHEL V. JOHNSON.

On motion of Mr. Landrum the message from his Excellency was taken up and read, and on motion the same was laid upon the table for the present.

On motion of Mr. Dabney the bill to locate the north-western terminus of the Western & Atlantic Rail-road was made the special order for Tuesday next.

On motion of Mr. Fambro the bill to incorporate the Western & Atlantic Rail-road Company was made the special order for Friday next.

Messrs. Dupree, Hardeman, Landrum and Long were granted leave of absence for a few days.

On motion of Mr. Coffee the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order which was the consideration of the report of the committee of the whole on a bill to incorporate the town of Fletcherville in the county of Thomas.

On motion of Mr. Simms the same was amended by adding the following as additional sections, to-wit :

And be it further enacted, That the citizens of the town of Bainbridge in this State who are entitled to vote for members of the Legislature shall, on the first Saturday in April, 1856, and on the first Saturday in January in each and every year thereafter, meet at the Court House in said town, and by ballot elect three Commissioners for said town who shall be citizens of the same, and in the event that said election is not held on the days and times aforesaid, then the said citizens may hold the election at such time as may

be ordered by the Justices of the Inferior Court of said county, or the Justices of the Peace for the 513th district, Georgia Militia, or any one of them.

And be it further enacted, That the said election shall be managed by any one of the Justices of the Peace for the 513th district of said State, and in the event that said Justice fail to attend and hold said election by ten o'clock on the day aforesaid, then it shall be lawful for any two freeholders of said town, and who are qualified to vote at said election, to hold and manage said elections, the time of holding said elections shall be between the hours of ten and three o'clock of said days, and the managers of said election shall issue to the persons having the highest number of votes certificates of their election, and which shall be evidence thereof.

That said Commissioners so elected shall at the time they receive their certificate of election take and subscribe the following oath: I do solemnly swear that to the best of my ability I will conduct myself uprightly as a Commissioner of the town of Bainbridge, and that I will do equal justice to all persons who may be concerned in my administration of the laws of said town, so help me God,

That the persons who have been elected and qualified as aforesaid shall be Commissioners for the said town for the term of one year, and until their successors are elected and qualified, and they shall have power to appoint a town Marshal and Clerk, and provide for their qualification and compensation, to pass ordinances for the opening and repairing the streets, and to lay out and open new streets, and provide for the compensation of the owners of lots for damage done to the same by reason of the opening of new streets; to suppress riots and affrays, to prevent the disturbance of the peace and tranquility of said town, to punish disorderly conduct, and public indecencies; to regulate the patrol; to provide for the abatement of nuisances, the spread of infectious and contagious diseases; to levy a town tax; to make a map or check of said town, and to have the same recorded in the record of deeds for said county, which shall be evidence of the location of said lots.

That the corporate limits of said town shall extend twelve hundred yards in every direction from the Court House, except where said distance will strike the Flint river, and at such point to extend to the west bank of said river.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on a bill to authorize the Treasurer of Chattahoochee county to pay the Grand and Petit Jurors of said county.

On motion of Mr. Nichols the word 'Clinch' was inserted after the word 'Chattooga.'

On motion of Mr. Shropshire the same was amended by extending the provisions of this bill so as to pay the Petit Jurors of Chattooga county; the report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill amendatory of the several acts in relation to the exemption of certain property from levy and sale, and provide a mode of securing said property to the family of the debtor under certain penalties therein mentioned.

On motion of Mr. Cone of Greene the same was referred to a committee of three.

The committee appointed by the Chair were Messrs. Cone of Greene, Dunnagan and Shropshire.

The Senate took up the report of the committee of the whole on a bill to allow Andrew J. Wootten of the county of Telfair to peddle and vend goods in the counties of Telfair, Pulaski, Laurens, Montgomery, Ware, Appling, Coffee, Irwin, Lowndes and Clinch free of license.

Mr. Allred moved to amend the same by inserting the following: 'That Jacob Collins be allowed to peddle in the 5th Congressional District.'

Mr. Cannon moved to amend the same by striking out 'the fifth Congressional District,' and insert the county of 'Pickens,' whereupon the yeas and nays were required to be recorded and are yeas 43, nays 29.

Those voting in the affirmative are Messrs. Ashe, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Causey, Coffee, Crowder, Dabney, Fambro, Gordon, Hamilton, Hill, Hines, Jamison, Landrum, Lott, Maddux, McGuire, McIntosh, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Poole, Ragan, Reddish, Riley, Robinson, Shropshire, Scott, Smith, Strickland, Studstill, Swinney, Welborn, Whitaker and Wynn.

Those voting in the negative are Messrs. Allred, Baxter, Billups, Chastam, Colbert, Cone of Greene, Cumming, Dunnagan, Gray, Grant, Hale, Harris of Worth, Head, Knight, Lawson of Burke, McCrimmon, McDonald, Moody, Moore of Cobb, Nichols, Paulk, Ponder, Pope, Sapp, Simms, Spalding, Sumner, Wales and White.

So the motion prevailed.

The amendment as amended was agreed to.

Mr. Nichols moved to amend the bill by adding the following as an additional section, to-wit:

- "And that Charles Cowart be allowed to peddle without license in the Brunswick Circuit; which motion was lost.

Mr. Hill moved the previous question, which being seconded, the main question was put and decided in the affirma-

tive, and the report of the committee as amended was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President: The House of Representatives have passed the following bill, to-wit:

A bill to be entitled an act to appropriate a sum of money for the payment of the claim of Thomas E. Patton assignee of Thomas Brice; which I have been directed to communicate at once to the Senate.

The following message was received from his Excellency the Governor, through Mr. DeGraffenried, his Secretary:

Mr. President:—The Governor has approved and signed the following acts, to-wit:

An act to amend an act entitled an act to amend an act to incorporate the Brunswick and Florida Rail-road Company passed 22d December, 1835, and also to amend an act amendatory of the same, assented to 27th December, 1838.

An act to create a new Judicial Circuit of Clinch, Ware, &c., and provide for the appointment and election of Judge and Solicitor for the same, and to add certain counties to the Eastern Judicial District, and fix the times of holding Courts in the same.

An act to create a new Judicial District to be called Pataula Circuit.

Also a resolution requesting the Governor to furnish certain books therein named to the county officers of Burke county.

The Senate took up the report of the committee of the whole on the bill for the relief of persons legally divorced from the bonds of matrimony in this State.

On motion of Mr. Cone of Greene the same was amended by striking out the words 'in this State,' wherever they appear.

The amendment was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to provide for the compensation of the Grand and Petit Jurors of the Superior and Inferior Courts of the county of Elbert; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill for the relief of James Goddard.

On motion of Mr. Cantrell the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to add the present residence of the Rev. H. T. Bussey to the county of Telfair; the report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill explanatory of the 2d section of an act entitled an act to alter and amend an act for the more effectually securing the probate of wills, &c., approved 10th December, 1812; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorise the Tax Collectors of the several counties in this State to levy all executions issued by them respectively against all defaulting tax payers in this State, and to advertise and sell the same, at the usual place of holding Justices' Courts in the several counties in this State after giving ten days notice thereof, to make it the duty of said Tax Collector, so to do without any additional compensation therefor, so far as the return of Nulla Bona is concerned.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to prohibit any person or persons from driving cattle on the Look-Out Mountain in the county of Walker and Dade in certain months of the year.

On motion of Mr. Cone of Greene, 'the county of Catootsa' was inserted after the word 'Dade.'

The report of the committee as amended was agreed to, the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 40, nays 24.

Those voting in the affirmative are Messrs. Ashe, Baxter, Brown of Gwinnett, Camden, Cannon, Cantrell, Chastain, Coffee, Cone of Grèene, Cumming, Dabney, Gordon, Hale, Harris of Worth, Head, Hill, Jamison, Lawson of Burke, Lawton, Lott, Maddux, McDonald, McIntosh, Moore of Cobb, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Poole, Reddish, Screven, Spalding, Strickland, Studstill, Wellborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Bloodworth, Buchanan, Calhoun, Causey, Colbert, Dunnagan, Fambro, Gray, Hamilton, Jeter, Knight, McCrimmon, Moody, Paulk, Ponder, Riley, Robinson, Sapp, Shropshire, Simms, Smith, Wales and Ware.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to incorporate Madison Town Hall Company; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Mary Ann Thompson and others.

On motion of Mr. Wingfield the same was referred to a select committee of three.

The committee appointed by the Chair are Messrs. Wingfield, Buchanan and Cone of Greene.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order, which was the consideration of the report of the committee of the whole on a bill to amend the several acts to incorporate the town of Spring Place and to prescribe the powers of the Commissioners of said town; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to manumit Daniel a negro man, and Lucinda a negro woman, the slaves of Harrison W. Riley of Lumpkin county.

On motion of Mr. Buchanan the same was amended by striking out all after the enacting clause and inserting the following in lieu thereof, to-wit:

"That Daniel the property of Harrison Riley and Lucinda the wife of the said Daniel nominal slaves, be exempt from the tax now imposed by law on nominal slaves, and that they be required to pay only such tax as now required by law from free persons of color.

The report of the committee of the whole, as amended, was agreed to; the bill was read the third time, and on the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 42, nays 16.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Bloodworth, Brown of Gwinnett, Buchanan, Camden, Coffee, Crowder, Dabney, Head, Hill, Hines, Jamison, Jeter, Knight, Lawton, Lott, Maddux, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Ponder, Poole, Pope, Ragan, Sapp, Shropshire, Scott, Screven, Smith, Spalding, Strickland, Wales, Wingfield and Wynn.

Those voting in the negative are Messrs. Cannon, Cantrell, Causey, Chastain, Colbert, Gray, Gordon, Hale, Hamilton, Howell, Paulk, Reddish, Riley, Studstill, Whitaker and White.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to alter and amend an act to make permanent the line between the counties of Dooly and Worth, and also between the counties of Irwin and Dooly; the report

was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill extending to the county of Kinchafoonee the provisions of an act amending the road laws in this State, so far as relates to the counties of Wilkes, Laurens, Lincoln, Columbia and Twiggs, approved Feb. 20th, 1852; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to add a part of the county of Gilmer to to the county of Fannin, and for other purposes; the report was disagreed to, and the bill was lost.

On motion the rules were suspended and the following bills were taken up and read the second time, to-wit :

A bill to limit the operation of an act passed January 21st, 1852, requiring all wills of personal to be executed and proved in the same manner as now prescribed by law for the execution and proof of devices of real estate.

A bill to incorporate the Auriferous Hill Gold Mining Company.

A bill for the better regulating the retail license in this State.

A bill to be entitled an act amendatory of an act entitled an act to incorporate the town of New Gibraltar in DeKalb county, to appoint Commissioners for the same, and to levy a tax for the improvement of said town.

A bill to authorise persons to grant certain lots of land in the counties of formerly Appling, Irwin and Early on certain conditions.

A bill to compel owners, &c., in Effingham to employ a white man, &c.

A bill to add an additional section to an act to incorporate the Georgia and Florida Steam Packet Company, approved, 1854.

A bill to require the Tax Collector of Hart county to pay a certain amount of money to the Justices of the Inferior Court of said county.

A bill to confer certain additional powers on the Mayor of Savannah.

A bill to compensate persons in possession of land whose titles may be defective.

A bill to give Justices of the Peace the right to try all cases of damage where the amount does not exceed fifty dollars.

A bill to expedite the trial of cases at Law and Equity in the Courts of this State.

A bill to authorise Jesse L. Bull a minor of the county of Stewart to be an heir at law of William Carter of said county.

A bill in relation to furnishing the officers of Burke county with a copy of Cobb's Digest and Forms.

A bill to compel all persons liable to road duty to perform the same.

A bill to repeal a part of the common and statute laws of England of force in this State, and to change the laws of corporations.

A bill to change the line between the counties of Fayette and Spalding.

A bill to incorporate the town of Morgan in Calhoun county, and appoint Commissioners for the same.

A bill for the relief of the estate of P. F. Mahone.

A bill to alter the time of holding the Inferior Court of the county of Worth.

A bill to authorize and require the Ordinary of Madison and the Ordinary of Putnam county to pay Jasper N. Key and Robert W. Milner for teaching poor children in said counties during the years 1851 and '54.

A bill to authorise the investment of trust funds in certain cases.

A bill authorising Edmond M. Butler, guardian, to sell the land and negroes belonging to his ward, Hannah Butler.

A bill for the relief of Andrew J. Hudson of Stewart county.

A bill to exempt the active members of the Young America Fire Company from Jury and Militia duty.

A bill to authorise James O. Hunt of the county of Harris to practice medicine, and charge and collect compensation for the same.

A bill to incorporate the town of Warsaw.

A bill to prevent certain persons from conveyancing.

A bill to organise a new county from the counties of Cass, Paulding, Floyd and Polk.

A bill to amend the law in relation to taking bonds in the Courts of Ordinary.

A bill to limit the time of service of Grand and Petit Jurors in the city Court of Savannah, and to exempt the keeper of the Cemetery from service on Juries.

A bill for the relief of John F. Ball and others of Stewart county.

A bill for the relief of Sarah H. Lamar formerly Sarah H. Andrew.

A bill to be entitled an act to amend the road laws of this State, and to punish persons for injuring mile posts and direction boards, and Clerks for neglect of duty.

A bill to be entitled an act to relieve executors and administrators from the necessity of publishing notices of insolvent papers in one of the public gazettes of this State.

A bill to be entitled an act to authorise John A. Powell of the county of Fannin to practice medicine and surgery in all

its branches upon the Allopathy or Mineral system in any of the counties in this State, and charge and collect his fees for the same, without obtaining a license therefor from the Medical Board of Physicians of the State of Georgia.

A bill to be entitled an act to authorise the Judges of the Supreme Court of the State of Georgia to prescribe the costs to which the Clerk of said Court may be entitled as also of the Sheriff attending the sessions of said Court, and to fix a limit of ten dollars beyond which they shall in no case go.

A bill to compensate the Sheriff of the county of Wilkes, and his deputies for summoning Juries and attending the Courts of said county.

A bill to point out the mode or manner of collecting magistrate and Constable fees in the county of Chatham, and to amend an act to repeal an act to extend the civil jurisdiction of the Justices of the Peace in the city of Savannah, and to compel Justices of the Peace and Constables of the county districts in the county of Chatham to be residents of the Districts of which they are elected, assented to the 21st day of December, 1835, so far as the civil jurisdiction of the Justices of the Peace for the first, second, third and fourth districts Georgia Militia in the city of Savannah are concerned, and to establish rates of fees of Magistrates and Constables in the city of Savannah.

A bill to change the time of holding the Court of Ordinary of Screven county.

A bill to incorporate Emory Lodge one hundred and seventy of Free and Accepted Masons of the village of St. Cloud, Heard county.

A bill for the better defining the duties of the Inferior Court of Thomas county.

A bill to incorporate Welaka Steamboat Company.

A bill to protect property in the hands of innocent purchasers, &c.

A bill to authorize Asa Houston Langston of Hart county to practice medicine and receive pay for the same.

A bill to protect ferry ropes and ferry boats, &c.

A bill to require all Banks in this State having agencies to redeem certain bills at the same, to protect them from discounting or buying bills, bonds, or notes at more than lawful interest, and to prevent them from buying, without the limits of this State, such paper on the citizens of the same.

A bill to incorporate the city of Americus in the county of Sumter.

A bill to add certain counties therein named, from the Southern, to the Eastern Circuit.

A bill in relation to the publication of the advertisements of the county officers of the county of Taliaferro.

A bill to be entitled an act to extend the Charter of the Savannah Institution for Savings.

A bill for the more effectually providing for the payment of the teachers of poor children.

A bill authorising William Strand, Administrator de bonis non, of Wm. H. Parker late of Clark county, deceased, to settle with and pay off Sheffield H. Parker an heir-at-law of said estate, and for other purposes.

A bill to alter and amend the sixth section of an act, approved 11th February, 1854, entitled an act to incorporate the Dalton and Copper Mine Turnpike, Plank and Rail-road Company, and to allow the Company to build a Turnpike, Plank or Rail-road.

A bill to prescribe the order of descent and succession of the estates of illegitimate persons who die intestate.

A bill to incorporate a Bank in the city of Savannah to be called the Lumber Cutter's Bank.

A bill to repeal an act defining the duty of the Inferior Courts in relation to building bridges, so far as relates to Jackson.

A bill to define the jurisdiction of the Courts of Ordinary in this State, and for other purposes.

A bill to designate the children who shall be entitled to the benefits of the poor school fund, provided by an act entitled an act to provide for the education of the poor, approved January 22nd, 1852, and for other purposes.

A bill to change the line between Randolph and Calhoun counties.

A bill to be entitled an act defining the liability of parties in actions of Trover.

A bill to incorporate the St. Mary's and Gulf Rail-road Company.

A bill to incorporate the LaGrange Light Guards.

A bill prescribing the mode in which the names of persons may be changed, and how persons may be legitimized.

A bill to enable persons who have claims against trust estates to recover them in a Court of law.

A bill to authorise Tax Collectors to issue summons of Garnishment.

A bill for the relief of Shady A. Jackson wife of Turner M. Jackson of Monroe county.

A bill to incorporate Woodbury Lodge No. 149 of Free and Accepted Masons in the town of Woodbury, Meriwether county.

On motion the Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY, FEBRUARY 9th, 1856.

The Senate met pursuant to adjournment.

On motion, leave of absence was granted for a few days to Messrs. Scott, Smith, Cumming and Pharr.

Mr. Hill moved to reconsider so much of the Journal of yesterday as relates to the passage of a bill for the relief of persons legally divorced from the bonds of matrimony in this State; whereupon the yeas and nays were required to be recorded and are yeas 25, nays 48.

Those voting in the affirmative are Messrs. Billups, Buchanan, Cannon, Cantrell, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Hamilton, Harris of Taliaferro, Hill, Hines, Jeter, Maddux, Matthews, Morris, Murphy, Poole, Pope, Ragan, Sumner, Wellborn and Whitaker.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Avery, Baxter, Brown of Calhoun, Brown of Gwinnett, Calhoun, Camden, Causey, Chastain, Coffee, Cone of Greene, Crowder, Fambro, Guerry, Hale, Harris of Worth, Head, Howell, Jamison, King, Knight, Lawson of Burke, Lott, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Moreland, Murray, Nichols, Patterson of Gilmer, Paulk, Ponder, Riley, Robinson, Sapp, Simms, Screven, Studstill, Swinney, Ware, White, Wingfield and Wynn.

So the motion was lost.

On motion of Mr. Dabney, the rules were suspended, and the Senate took up the report of the committee of the whole on a bill of the House of Representatives to legalise the revision of the Jury-boxes, and the drawing of the grand and petit jurors of the county of Floyd for the next term of the Superior Court of said county.

The report of the committee was agreed to; the bill was read the third time and passed, and ordered to be forthwith transmitted to the House of Representatives.

The Senate took up the regular order, which was the consideration of the report of the committee of the whole on a bill to amend the laws now of force in relation to idiots, lunatics and insane persons. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to amend the act incorporating the town of Oxford in the county of Newton, and for other purposes. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to elect the Attorney General for the Middle Circuit, and the Solicitor Generals for the respective Judicial Circuits of the State, by the people, and for other purposes therein named. The report of

the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to provide for the establishing lost papers and suing upon the same. The report of the committee was agreed to; the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President : The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to incorporate the Moccasin Turnpike Company of the county of Rabun, and to grant certain privileges to the same.

A bill to be entitled an act to incorporate a bank in the city of Columbus to be called the Bank of Columbus, and for other purposes therein named.

A bill to be entitled an act to charter the Exchange Bank of the State of Georgia, at Griffin.

A bill to be entitled an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Justices of the Peace and Constables of this State.

A bill to be entitled an act to authorise the Ordinary of Twiggs county to grant letters of guardianship to Daniel W. Shine.

They have also passed the following bill of the Senate, to-wit :

A bill to be entitled an act to authorise the Justices of the Interior Court of the county of Burke to issue bonds for the purpose of enabling them to rebuild the court-house of said county, and other public buildings.

Also, the following bills of the Senate, with amendments, to-wit :

A bill to be entitled an act for the relief of William J. P. Phinazee of the county of Monroe, a minor in the twentieth year of his age.

A bill to be entitled an act to change and enlarge the time of holding the Superior Court of Meriwether and Butts counties, and for other purposes therein mentioned.

The Senate took up the report of the committee of the whole on a bill to permit lime to be carried free of freight on the Western and Atlantic Rail-road, when the same is intended for agricultural purposes.

Mr. Harris of Worth moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded and are yeas 40, nays 36.

The voting in the affirmative are Messrs. Adams. Allred, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Coffee, Colbert. Dunagan, Gordon, Grant, Guerry, Hamilton, Harris of Talia-

ferro, Harris of Worth, Hays, Hines, King, Matthews, McCrimmon, McDonald, Moody, Patterson of Gilmer, Paulk, Poole, Ragau, Reddish, Riley, Strickland, Studstill, Sumner, Swinney, Ware, Wellborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Ashe, Atkinson, Avery, Baxter, Billups, Brown of Baldwin, Calhoun, Cannon, Cone of Greene, Crowder, Dabney, Fambro, Gray, Hale, Hill, Howell, Jamison, Lawson of Burke, Lott, Maddux, McGuire, McIntosh, Moore of Cobb, Morris, Murphy, Murray, Nichols, Ponder, Pope, Robinson, Sapp, Shropshire, Simms, Screven, Wales and Wingfield.

So the motion prevailed.

Mr. Guerry from the committee on enrollment, report as duly enrolled and ready for the signature of the President of the Senate,

An act to authorise the Justices of the Inferior Court of the county of Burke to issue bonds, to enable them to rebuild the court-house, and other public buildings of said county.

The Senate took up the report of the committee of the whole on a bill to add an additional section to the tenth division of the Penal Code of the State of Georgia.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of John C. Everett and Robert Campbell.

On motion of Mr. Head, the following was added as an additional section:

And be it further enacted, That the provisions of this act shall apply to Jesse Bryan of the county of Macon.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act, to prevent counsel from presiding as Judges in cases in which they had been consulted and employed before their election and to provide for the trial of said cases.

On motion of Mr. Billups, the 1st section was amended by striking out the words 'unless the parties to such cause,' and insert in lieu thereof, the words 'unless the party against whom they had been so consulted or employed.'

Mr. Allred moved to strike out the words 'Judges of the Superior Court;' whereupon the yeas and nays were required to be recorded and are yeas 4, nays 65.

Those voting in the affirmative are Messrs. Allred, Dunningan, Harris of Worth and Paulk.

Those voting in the negative are Messrs. Adams, Ashe, Avery, Billups, Brown of Baldwin, Brown of Calhoun,

Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Chastain, Coffee, Cone of Greene, Crowder, Dabney, Fambro, Gray, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Hays, Head, Hill, Howell, Jamison, King, Knight, Lawson of Burke, Lawton, Lott, Maddux, Matthews, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moreland, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Ponder, Poole, Pope, Riley, Robinson, Shropshire, Simms, Screven, Strickland, Studstill, Sumner, Swinney, Turner, Wales, , Wellborn, Whitaker, White, Wingfield and Wynn.

So the motion was lost.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion of Mr. Fambro, the Senate took up the report of the committee of the whole on a bill to compel the Superintendent of the Western and Atlantic Rail-road, to sell such iron and other articles as may become useless to said road, at public outcry, and for other purposes.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to allow practicing attorneys to serve as Justices of the Peace in Burke county. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Elberton Female Collegiate Institute, located in Elberton, and for other purposes therein named.

On motion of Mr. Dabney, the following was added as an additional section, to-wit:

And be it further enacted, That L. D. Cole, J. C. Butler and J. Daniel be and they are hereby added to and associated with the Trustees of Snake Creek Academy, to supply the places of J. H. Coplin, A. C. Vandervan and Thomas Moody.

And be it further enacted, That said Trustees, or a majority of them be and they are hereby empowered to fill all vacancies that may occur in said board by death, removal or otherwise, and to establish such rules and regulations, and do such other acts as they may consider necessary for the good government and well-being of said Academy, not inconsistent with the Constitution and Laws of this State and of the United States. The report of the committee as amended was agreed to; the bill was read the third time and passed.

Mr. Lawton from the committee on finance, to whom was referred a bill for the relief of the Bank of the State of Georgia, reported that the committee has had the same under consideration, and recommend that the same do pass.

On motion, the Senate took up the report of the commit-

tee of the whole on the bill of the House of Representatives for the relief of the Bank of the State of Georgia.

Mr. Screven moved that the bill lie on the table for the present; whereupon the yeas and nays were required to be recorded and are yeas 30, nays 41.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Baxter, Billups, Buchanan, Camden, Causey, Dabney, Gordon, Guerry, Harris of Worth, Hays, Hines, Howell, King, Landrum, Lawson of Burke, Lawton, Matthews, McCrimmon, McDonald, Morris, Poole, Pope, Sapp, Screven, Swinney, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Cannon, Cantrell, Chastain, Coffee, Cone of Greene, Dunnagan, Fambro, Gray, Hale, Hamilton, Harris of Taliaferro, Head, Hill, Knight, Maddux, McGuire, McIntosh, Moody, Moore of Cobb, Moreland, Murphy, Murray, Patterson of Gilmer, Paulk, Ponder, Ragan, Riley, Shropshire, Simms, Strickland, Studstill, Sumner, Wales, Ware, Welborn, Whitaker and White.

So the motion was lost.

On motion of Mr. Lawton, the same was referred to a select committee of five.

The committee appointed by the Chair are Messrs. Cone, Pope, Baxter, Hill and Screven.

On motion of Mr. Crowder, the Senate took up so much of the message of the House as related to the amendment to a bill of the Senate for the relief of Wm. J. P. Phinazee of the county of Monroe, to-wit:

And be it further enacted, That all the provisions of this act shall be applicable to Hugh Brewster, guardian, and his minor ward, Gabriel L. Hudson of the county of Coweta.

On motion of Mr. Crowder, the Senate concurred in the same.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the report of the committee of the whole on a bill to incorporate the Sweet Water Rail Road Company.

On motion of Mr. Cone of Greene, the fourth section was amended by striking out the following words: 'but no other Rail-road shall be constructed between the Western and Atlantic Rail-road and the Atlanta and LaGrange Rail-road.'

Mr. Wellborn moved to amend by adding the following as an additional section, to-wit:

And be it further enacted, [That nothing in this act shall be so construed as to exempt the property thereof from the usual taxation levied and collected in Rail-road stock.

Mr. Dunnagan moved to amend the same by substituting the following:

And be it further enacted, That all laws levying tax on Rail roads above what is paid by the Georgia and Central Rail road, be and they are hereby repealed until the year 1860; which motion was lost.

The question then recurred on the motion of Mr. Wellborn; whereupon the yeas and nays were required to be recorded and are yeas 36, nays 24.

Those voting in the affirmative are Messrs. Allred, Avery, Bloodworth, Buchanan, Camden, Cannon, Chastain, Cone of Greene, Crowder, Dabney, Gordon, Grant, Guerri, Hale, Hamilton, Harris of Taliaferro, Hays, Head, Hill, Hines, Jamison, King, Maddux, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moreland, Murphy, Murray, Nichols, Poole, Pope, Riley, Robinson, Simms, Spalding, Studstill, Sumner, Swinney, Wales, Ware, Wellborn, Whitaker and Wynn.

Those voting in the negative are Messrs. Ashe, Brown of Calhoun, Brown of Gwinnett, Cantrell, Causey, Coffee, Dunnagan, Jeter, Knight, Lawson of Burke, Lott, Matthews, Moore of Cobb, Morris, Patterson of Gilmer, Paulk, Ponder, Reddish, Sapp, Shropshire, Screven, Strickland and White.

So the motion prevailed.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise Isaac C. Loller to build a mill-dam across the Connasauga river on his own land.

Mr. Cone of Greene moved to amend by adding the following to the 1st section, to-wit: 'or in any way to injure the health of the neighborhood;' which motion was lost.

The report of the committee was agreed to; the bill was read the third time and passed.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary:

Mr. President: The Governor has approved and signed the following act, to-wit:

An act to change, define and limit the times of holding the Superior Courts of the counties of Crawford, Twiggs, Macon and Dooly; also a resolution in relation to the death of the Hon. Andrew J. Miller, late Senator from the county of Richmond.

The Senate took up the report of the committee of the

whole on a bill to incorporate the town of Lithonia in the county of DeKalb, and for other purposes.

On motion of Mr. Billups, the following was added as an additional section, to-wit:

And be it further enacted, That the provisions of this act shall be extended to the town of Woodbury, in the county of Meriwether, and that Emanuel Finlay, James Lawrence, B. Hinton, W. P. Dunn, Dr. Stribling and Dr. Lawrence be appointed Commissioners for the same, and incorporated as such. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the line between the counties of Richmond and Columbia, so as to include the residence of Alexander N. Allen in the county of Columbia.

Mr. Head moved to amend the same by adding 'and that the line between the counties of Macon and Sumter be changed; which motion was lost. The report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to facilitate the determination of suits at law and equity in this State, and for other purposes therein named. The report of the committee was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to enlarge and amend an act entitled an act to allow executors, administrators and guardians to resign their trusts upon certain conditions, approved Feb'y 10th, 1854. The report of the committee was agreed to; the bill was read the third time and lost.

On motion of Mr. Spalding, the rules were suspended and the following bill from the House of Representatives was taken up, read a second time and referred to a select committee, to-wit:

A bill to authorise the Judges of the Inferior Courts of the counties of Liberty and McIntosh, to appoint a competent surveyor from their respective counties to properly run out and define the dividing line between said counties.

The committee appointed by the Chair are Messrs. Spalding, Winn and McCrimmon.

Mr. Cone of Greene from the special committee to whom was referred a bill from the House of Representatives for the relief of the Bank of the State of Georgia, have had the same under consideration, and report the bill to the Senate without amendment, and recommend to the Senate that the bill do not pass.

Mr. Guerry from the committee on enrollment reported as duly enrolled, signed by the Speaker of the House of Rep-

representatives, and ready for the signature of the President of the Senate,

An act to legalise the revision of the Jury boxes and the drawing of the Grand and Petit Jurors of the county of Floyd, for the next term of the Superior Court of said county.

Mr. Spalding from the special committee to whom was referred a bill entitled an act to authorise the Judges of the Inferior Courts of the counties of Liberty and McIntosh to appoint a competent surveyor from their respective counties to properly run out and define the dividing line between said counties, report the same with an amendment, and recommend its passage.

The Senate took up the report of the committee of the whole on a bill to authorise G. B. May of the county of Murray, to practice medicine and to charge compensation therefor.

Mr. Head moved to amend by adding the following as an additional section, to-wit:

That all and every citizen of this State be allowed to practise law and medicine and charge compensation for the same, without a license for the same.

Mr. Swinney moved to amend the same by inserting after the word 'citizen,' the words 'male and female;' which motion was lost.

The motion of Mr. Head was lost.

Mr. Pope moved further to amend by adding the following as an additional section, to-wit:

And be it further enacted, That the provisions of this bill be extended to Francis J. Robinson of the county of Oglethorpe; which motion was agreed to.

Mr. Harris of Worth moved to postpone the bill indefinitely, which was agreed to.

The Senate took up the report of the committee of the whole on a bill to legalise certain sales of real estate heretofore effected by executors, administrators and guardians.

On motion, the bill was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to legalise and make valid two charters granted by the Mayor and Aldermen of the city of Columbus, for plank roads in said city.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee on a bill to authorise the Sheriff to take new bail where the principal has been surrendered in certain cases and to make valid certain bail bonds taken heretofore.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend an act entitled an act in relation to

divorces, approved February 22d, 1850, so as to authorise a divorce on another ground stated.

On motion of Mr. Nichols, the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to place the State upon an equal footing with other parties, so far as to allow writs of error to be prosecuted in certain cases.

On motion the same was laid upon the table for the present.

On motion the rules were suspended and Mr. Nichols reported a bill to be entitled an act to define the time of holding the Superior Courts in Brunswick Judicial Circuit, and for other purposes; which was read the first time.

On motion the rules were further suspended and Mr. Murphy reported a bill to authorise the Ordinary of DeKalb county to pay to those who taught poor children in said county in the year 1855, the money in his hands for that year; which was read the first time.

On motion of Mr. Harris of Worth, Mr. Robinson of Laurens was granted leave of absence for a few days.

On motion the Senate adjourned until ten o'clock Monday morning.

MONDAY, FEBRUARY 11th, 1856.

The Senate met pursuant to adjournment.

Mr. Patterson of Jefferson moved to reconsider so much of the Journal of Saturday as relates to the rejection of a bill to alter the lines between the counties of Columbia and Richmond; which motion was agreed to.

Mr. Peeples moved to reconsider so much of the Journal of Saturday as relates to the rejection of a bill to facilitate the determination of suits at Law and Equity in this State; which motion was lost.

Mr. Cone of Greene moved to reconsider so much of the Journal of Saturday as relates to the rejection of a bill to permit lime to be carried free of freight on the Western and Atlantic Rail-road for agricultural purposes; which motion was lost.

On motion of Mr. Patterson of Jefferson, the Senate took up the reconsidered bill to change the lines between the counties of Richmond and Columbia; the report of the committee was agreed to; the bill was read the third time and passed.

Mr. Cone from the select committee to whom was referred a bill to be entitled an act amendatory of the several acts in relation to the exemption of certain property from levy

and sale have had the same under consideration, and report the same back to the Senate with the following amendments, as a substitute for said bill :

“That in addition to the property which is now by law exempt from levy and sale, by virtue of attachment or execution that the household and kitchen furniture of the debtor to the amount and value of two hundred dollars shall also be exempt as aforesaid, and also twenty dollars worth of farming utensils, and fifty dollars worth of provisions, the value to be judged of by the levying officer.

Sec. 2d. It shall not be lawful for any officer to levy any execution or attachment upon any of the property aforesaid, or upon any other property of the defendant which is exempt from levy and sale by the laws now in force, and any officer who shall levy on the same or any part thereof shall forfeit and pay to the defendant three times the value of the property so levied on, which the defendant may recover in any Court having jurisdiction of the same.

Sec. 3d. It shall be lawful for said defendant, or on his failure to do so for the wife of the defendant to interpose a claim to the property so exempt as aforesaid, when the same may be levied on under the same rules and regulations as are now prescribed by law in relation to claims of property by third persons and upon trial of such claim if the jury shall be of opinion that the property levied on is, and was, by law exempt from levy and sale, to find a verdict in favor of the claimant with costs, and the value placed upon the property by the levying officer shall be prima facie evidence of such value.

Sec. 4th. The provisions of this act shall not extend to persons who are not heads of families.

Sec. 5th. Where the household and kitchen furniture or the farming utensils or the provisions of the defendant shall exceed in value the aforesaid amounts, it shall be the duty of the levying officer to permit the defendant or in his absence the wife of the defendant to select such articles of household and kitchen furniture, farming utensils or provisions as aforesaid, as he or she may desire to the several amounts aforesaid, and when no selection shall be made by the defendant or his wife, it shall be the duty of the levying officer to make such selection.

Sec. 6th. All laws in conflict with this act are repealed.

On motion the Senate took up the report of the committee of the whole on the bill reported on by the select committee.

Mr. Cone of Greene moved to strike out all after the enacting clause, and insert the bill reported by the select committee.

Mr. Cone of Greene moved to amend the second section by inserting after the words ‘any officer who shall’ the

words, 'wilfully, knowingly and corruptly,' which was agreed to.

Mr. Knight moved to amend the second section by adding the following, to-wit: 'unless the property shall be traded by the defendant, in that event it shall be liable'; which motion was lost.

Mr. Allred moved to lay the bill on the table for the balance of the session; whereupon the yeas and nays were required to be recorded, and are yeas 49, nays 29.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Causey, Coffee, Colbert, Dabney, Gray, Gordon, Grant, Hamilton, Hardeman, Howell, Jamison, Knight, Lawton, Matthews, McCrimmon, McGuire, McIntosh, Moody, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Ponder, Poole, Pope, Reddish, Sapp, Simms, Screven, Strickland, Studstill, Turner, Wales and Wellborn.

Those voting in the negative are Messrs. Beall, Billups, Cannon, Chastain, Cone of Greene, Crowder, Dunnagan, Hale, Harris of Taliaferro, Harris of Worth, Head, Hill, Hines, Lott, Maddux, McDonald, McMillan, Moore of Cobb, Murphy, Nichols, Ragan, Shropshire, Sumner, Swinney, Ware, Whitaker, White, Wingfield and Wynn.

So the motion prevailed, and the bill and amendments were laid on the table.

The Senate took up the regular order, which was the consideration of the report of the committee of the whole on a bill to amend an act entitled an act to give masons and carpenters an encumbrance for debts, so as to give plasterers the same incumbrance for debts due, and for other purposes.

Mr. Harris of Worth moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded and are yeas 37, nays 39.

Those voting in the affirmative are Messrs. Avery, Beall, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Camden, Causey, Chastain, Colbert, Dabney, Dunnagan, Gray, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hill, Howell, Lawton, Lott, Maddux, Matthews, McCrimmon, McMillan, Morris, Patterson of Gilmer, Paulk, Poole, Sapp, Simms, Strickland, Studstill, Sumner, Turner, Wales, Ware and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Billups, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Coffee, Cone of Greene, Crowder, Gordon, Grant, Guerry, Hardeman, Head, Jamison, King, Knight, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Nich-

ols, Patterson of Jefferson, Pope, Shropshire, Screven, Swinney, Weltborn, Whitaker White and Wingfield.

So the motion was lost.

Mr. Screven moved to amend by adding the following, to-wit: 'and other persons furnishing boards, lumber, brick or materials of any kind in the building or repairing of houses.

Mr. Lawton moved to amend the same by adding, 'and all other employees or vendors'; which was agreed to, and the amendment as amended prevailed.

The report of the committee as amended was agreed to, the bill was read the third time and lost.

Leave of absence to Messrs. Lawson, Riley, Fambro and Avery was granted.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President : The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to amend the several acts now of force in relation to the Public Printer.

A bill to be entitled an act to amend the several acts now in force regulating the fees of Magistrates and Constables in the State of Georgia, so far as relates to the county of Decatur, and to provide for the mode of collecting the same.

A bill to be entitled an act to authorise the Inferior Court of Effingham county to order the payment of the Superintendents, Clerks, and those who consolidate the returns of elections of said county for their services.

A bill to be entitled an act to alter and amend an act entitled an act to amend an act passed the 17th day of December, 1847, to authorise parties to compel discoveries at common law, approved 20th February, 1854.

A bill to be entitled an act to change the January and October elections in the State of Georgia from the first Monday in January and October to the first Wednesday in January and October.

They have also passed the following bill of the Senate, with amendments, to-wit :

A bill to be entitled an act to amend the several acts in relation to the town of Athens, to which they ask the concurrence of the Senate.

The Senate took up the report of the committee of the whole on a bill to authorise Juries to find verdicts in favor of plaintiffs on open accounts without formal proof in certain cases therein named and to authorise Justices of the Peace to enter judgments under similar circumstances.

On motion the same was postponed indefinitely.

On motion of Mr. Peeples the Senate took up the message from the House in relation to the bill of the Senate

amending the acts incorporating the town of Athens, with certain amendments.

On motion of Mr. Peebles the amendments of the House were concurred in.

The Senate took up the report of the committee of the whole on a bill to authorise the Justices of the Inferior Court of Hart county, to levy an extra tax to build a new Court House, and for other purposes.

Mr. Jamison moved to amend the same by adding the following as an additional section, to-wit :

Be it further enacted by the authority aforesaid, That the Justices of the Inferior Court of Union county be, and they are hereby authorised to levy a tax for the purpose of building a Jail in Blairsville, said tax not to exceed fifty per cent. upon the State tax for the years 1856-57, said building to be let out under such regulations as said Inferior Court may deem best for the interest of said county of Union ; Provided, that the Grand Jury at the next Superior Court of said county shall so recommend, but not otherwise.

The amendment was agreed to.

On motion of Mr. Patterson of Gilmer, the same was further amended by adding the following, to-wit :

And be it further enacted, That the Justices of the Inferior Court of Gilmer county be, and they are hereby authorized to levy and collect an extra tax, in addition to the tax now authorised by law for the years 1856 and 1857 not to exceed fifty per cent on the State tax for the purpose of paying the county debt created by building their Court House.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on bill in relation to the limitation of estates, and for other purposes.

The report of the committee of the whole was agreed to, the bill was read a the third time, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 47, nays 28.

Those voting in the affirmative are Messrs. Atkinson, Bil-lups, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Coffee, Cone of Greene, Crowder, Dabney, Gordon, Guerrey, Hale, Hardeman, Harris of Taliaferro, Hays, Head, Hill, King, Knight, Maddux, McCrimmon, McIntosh, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Nichols, Patterson of Jefferson, Ponder, Pope, Ragan, Shropshire, Simms, Screven, Strickland, Studstill, Swinney, Turner, Wales, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Ashe, Beall, Bloodworth, Brown of Calhoun, Cantrell, Causey, Chastain, Colbert, Gray, Hamilton, Harris of Worth, How-

ell, Jamison, Lawton, Matthews, McDonald, McMillan, Morris, Patterson of Gilmer, Paulk, Peebles, Poole, Reddish, Sapp, Sumner, Wingfield and Wynn.

So the bill was passed.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order, which was the consideration of the report of the committee of the whole on a bill to be entitled an act to give force and operation to judgments issuing from the Mayor's Court of the city of Darien, throughout the State of Georgia; the report of the committee was agreed to, the bill was read the third time and passed.

Mr. Spalding from the Joint Committee to whom was referred the resolution of the General Assembly instructing them to report a bill, having for its object the construction of a main trunk railway from some point on or near the Atlantic coast to the western limits of the State of Georgia, have the satisfaction to state, that they have agreed upon a bill incorporating the Atlantic and Gulf Rail-road Company, and beg leave to report the same to the House of Representatives as directed in the resolution.

Your committee have entered upon their allotted task with consciousness of the difficulties which surround them, but with a firm conviction also that a large majority of the people of Georgia desire that the communication from the Atlantic to the Gulf through our southern and south-western counties should be firmly established, so that amid all the mutations of politics, or government, the commonwealth of Georgia may fully secure the advantages which attach to her geographical position.

To effect this great advantage to the country, we have also felt that a spirit of compromise and conciliation was necessary, for the Atlantic and Gulf Rail-road will not only open the shortest channel of communication between the Atlantic and the Gulf, thereby giving us control of an almost incalculable commerce, but will at the same time develop and enrich a large portion of our territory now lying waste and valueless, and human nature would not be what we all feel that it is, if, in the selection of a route, local interests did not to some extent find themselves in collision. But we have sought in ourselves, and confidently expect in this General Assembly, a spirit of patriotism which will lift us above all mere personal considerations, and enable us to co-operate

in a work which will enhance the power and develop the resources of the State of Georgia.

Your committee have divided the question referred to them into two branches, first they have addressed themselves to the investigation of the most eligible route for a main trunk railway, and secondly, they have discussed and sifted; to the utmost of their ability, the various methods suggested by which the assistance of the State might be extended to the enterprise, and the results of their deliberations are with singular unanimity embodied in the bill now reported.

A slight sketch of the principles which have guided them seems to be required.

First then, in selecting a route they have endeavored to combine shortness of distance with a due regard to the development of Southern Georgia, together with a general reference to the various rail-road enterprises within and without the State, whose co-operation may be necessary to give full efficiency to our main trunk.

Your committee have, therefore, determined to establish the terminus of the Road at a point near the intersection of the county lines of Appling, Ware and Wayne.

This point will be in round numbers 80 miles or less from Savannah and 40 miles or less from Brunswick, and will enable both those cities to place themselves in communication with our initial point, quite as soon as any considerable portion of the main trunk can be brought into working order.

From the point indicated your committee propose, that the Road, except so far as engineering difficulties may require a divergence shall proceed in a direct line to the Chattahoochee river meeting said river at some point between the junction of the Flint and Chattahoochee rivers and Fort Gaines.

The committee have thought it advisable to allow this large latitude, because in the survey yet to be undertaken, motives for inclining to one side or the other may present themselves, of which we are not now in possession, and because also the Legislature of our sister States of Florida and Alabama, and the progress and prospects of their public works may have a material bearing on the selection of a site for our western terminus. The main trunk will not exceed 180 miles, and will pass through a country well suited to railroad construction and abundantly supplied with timber.

This branch of the question having been disposed of, your committee then took into consideration the mode and measure of assistance which the State might properly give to this great enterprise.

They have sought in treating this question to adhere as much as possible to safe precedents and to avoid any startling innovation on the practice of our predecessors.

Two modes then presented themselves to the committee,

one in view of the vast interests involved, and as a means of increasing the wealth and developing the resources of Georgia, should at her own expense build a great southern trunk, as she had already built the Western & Atlantic Rail-road, and the other that the State should subscribe in the stock of an incorporated company an amount of stock, less than one half the capital stock of said company. The first proposition does not find favor with us, for although no one doubts that the expenditure of the State in behalf of the Western and Atlantic Rail-road has been more than returned to her in the enhanced value of property, in the growth and prosperity of the cities, and in the more rapid diffusion of civilization and intelligence, yet experience has shown that many serious difficulties attend the carrying on this branch of business directly by the State.

We have therefore concluded to recommend that certain gentlemen known throughout the State for their high attainments and character should be appointed Commissioners to receive subscriptions of stock to the Atlantic and Gulf Rail-road, under the provisions recited in the bill, that so soon as six hundred thousand dollars shall have been subscribed by bona fide subscribers then the Governor shall be authorised to subscribe on the part of the State five hundred thousand dollars being in the proportion of less than one half, the bill then provides that immediately after this subscription has been made, an election shall be ordered for Directors and that an instalment not less than 20 per cent. shall be immediately called in, and that the Governor shall not pay the instalment of the State until the private subscribers have all paid theirs. The Company will then commence operations. The bill further provides, that when the instalment is called for by the Company, the Governor shall first draw his warrant on the Treasury for the amount required, but that in case of a deficiency existing in the Treasury then, and not otherwise, the Governor shall issue bonds of the State of Georgia in like form as has been hitherto practised in this State.

The committee have endeavored to throw every safeguard around the bill now presented, and they heartily recommend its passage.

Agreed to unanimously by the committee.

CHARLES SPALDING, Chairman.

Mr. Cone of Greene moved that one hundred and twenty five copies of the same be printed for the use of the Senate, which motion was lost.

The Senate took up the report of the committee of the whole on the bill to prescribe the road duty of persons resident on Skidaway Island, and agreed thereto; the bill was read the third time and passed under the title thereof.

The Senate took up the report of the committee of the

whole on the bill defining the liability of parties in actions of trover; the report was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to incorporate the LaGrange Light Guards, a volunteer company, and for other purposes.

On motion of Mr. Matthews, the following was added as an additional section, to-wit:

Be it further enacted, That all of the privileges conferred in this act be and the same is hereby applied to the Screven Troop of the county of Scriven.

On motion of Mr. Hardeman, the following was added as an additional section, to-wit:

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Azel R. Freeman, Thurston R. Bloom, Joseph M. Boardman, Ebenezer C. Granniss, Daniel F. Clarke, William S. Williford, citizens of the county of Bibb and said State, and all others who are now members of the 'Bibb' County Loan Association of the county of Bibb, their successors and assigns, be and they are hereby made and created a body politic and corporate for the purposes of their association and under and according to the constitution and by-laws heretofore adopted by them, to be known by the said name of the 'Bibb County Loan Association,' with power to sue and be sued, to make and adopt all such rules and regulations, and amendments of their constitution and by-laws as they may deem advisable, with power to receive and hold and dispose of any and all property conveyed or sold or mortgaged, as security for any loan or debt. And no member of said Association shall transfer any portion of his or her shares or interest therein, without consent of the Directors thereof, unless all debts and loans due from him or her shall be paid.

And be it further enacted by the authority aforesaid, That all the transactions of the said 'Bibb County Loan Association' heretofore had by and with the members thereof, whilst acting under and by virtue of the Inferior Court of said Bibb county, incorporating the same according to said Constitution and By-Laws be and are hereby declared and made valid and binding in law.

The report of the committee was agreed to. the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to require all banks in this State having agencies, to redeem certain bills at the same, to prevent them from discounting or buying bills, bonds or notes at more than lawful interest, and to prevent them from buying without the limits of this State, such paper on the citizens of the same.

On motion the same was postponed and made the special order for Monday the 18th of February.

On motion of Mr. Ponder the rules were suspended and the following bills of the House of Representatives were taken up and severally read the second time, to-wit:

A bill to lay out and organise a new county from the counties of Thomas and Lowndes, and for other purposes.

Also a bill to lay out and organise a new county from the counties of Lowndes, Coffee and Irwin, and for other purposes. And on motion of Mr. Knight, were made the special order for Monday next.

The Senate took up the report of the committee of the whole on the bill to amend the several acts of this State in relation to suing out commissions of lunacy. The report was agreed to; the bill was read the third time and passed.

On motion the rules were suspended, and Mr. Dunnagan reported a bill to require the State Printer to cause to be reported the proceedings of the Legislature; which was read the first time.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of William T. Sherman and others, securities, &c., of Greene county.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the laws now of force in this State respecting the arrival of colored seamen, so far as relates to the county of McIntosh and port of Darien.

On motion of Mr. Wellborn, the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to require the depot-agents and conductors of the Western and Atlantic Railroad to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Auriferous Hill Mining Company. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to change the time of holding the Court of Ordinary of Scriven county. The report was agreed to;—the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill prescribing the manner in which the names of persons may be changed and how persons may be legitimized.

On motion of Mr. Cone of Greene, the same was amended by adding the following as an additional section:

And be it further enacted, That upon the petition of any

person to the Inferior Court, praying the establishment, abolition or change of an election precinct or precincts in any county, it shall be lawful for said Inferior Court, to establish, abolish or change such election precinct or precincts agreeable to the provisions now established by law. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of Shady A. Jackson, wife of Turner M. Jackson of Monroe county.

On motion of Mr. Peeples, the same was amended by adding the following as an additional section:

And be it further enacted by the authority aforesaid, That the provisions of this act, be and the same are hereby extended to Maria Wooldridge, wife of Isma W. Wooldridge of Newton county in this State, and that she shall be and is hereby vested with all the rights, privileges and exemptions conferred upon Mrs. Jackson by the above section.

Mr. Hardeman moved to amend the same by inserting after the name of Mrs. Wooldrige the name of 'Bridget Carey, wife of Michael Carey of the county of Chatham;— which was agreed to. The amendment as amended was agreed to. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to enable persons who have claims against trust estates, to recover them in a court of law, &c.

The report of the committee was agreed to; the bill was read the third time and passed.

On motion of Mr. Swinney the rules were suspended and the Senate took up and read a second time, the following bill, to-wit:

A bill to alter and change the name of the county of Kinchafoonee.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to enforce and carry into effect an act approved January 8th; 1852, entitled an act to provide for the taking of the census of the State of Georgia, in pursuance of the requirements of the twenty-fifth section of the first article of the Constitution of the State of Georgia, so far as relates to the counties of Camden, Glynn and Charlton. The report of the committee of the whole was disagreed to; and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to prevent fraudulent surveys of land in the counties of Camden and Effingham.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to authorise tax collectors to issue sum-

mons of garnishment. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act amendatory of an act entitled an act to incorporate the town of New Gibraltar in DeKalb county, to appoint commissioners for the same, and provide for the election of commissioners in succession, and other regulations therein named, and to levy a tax for the improvement of said town, to change the name and extend the limits of said town, assented to December 17th, 1847

On motion of Mr. Wellborn the same was amended by adding the following as an additional section, to-wit:

And be it further enacted, That the town of Tunnell Hill in Whitfield county, be and the same is incorporated, and that William N. Bishop, Simon Dunn and Clisbee Austin be appointed commissioners, &c.

On motion of Mr. Murphy, the sixth section was amended by inserting the following, to-wit:

"Or until by the hire of said slave, the amount is raised, and which slave the commissioners are hereby authorised to hire out for that purpose, in such manner as they may prescribe by their by-laws."

The report of the committee as amended was agreed to: the bill was read the third time, and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 44, nays 24.

Those voting in the affirmative are Messrs. Ashe, Brown of Baldwin, Buchanan, Calhoun, Camden, Cannon, Chastain, Coffee, Cone of Greene, Crowder, Dabney, Gordon, Hale, Hardeman, Hill, Jamison, King, Lawton, Lott, Maddux, Matthews, McCrimmon, McDonald, McGuire, Moore of Lincoln, Murphy, Patterson of Gilmer, Patterson of Jefferson, Pceples, Ponder, Poole, Pope, Ragan, Reddish, Shropshire, Simms, Studstill, Sumner, Swinney, Turner, Wellborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Atkinson, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Cantrell, Carlton, Causey, Colbert, Dunnagan, Gray, Hamilton, Harris of Taliaferro, Harris of Worth, Howell, McIntosh, Moody, Moore of Cobb, Murray, Paulk, Strickland, Wales, Ware and White.

So the bill was passed.

On motion Messrs. Robinson and Head were granted leave of absence for a few days.

On motion of Mr. Carlton the Senate adjourned until seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion a call of the Senate was made and the following Senators appeared, to-wit:

Messrs Allred, Avery, Beall, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Causey, Coffee, Cone of Greene, Dabney, Dunnagan, Gray, Gordon, Guerri, Hale, Hamilton, Hardeman, Harris of Worth, Hines, Howell, Jeter, Lott, Maddux, McCrimmon, McDonald, McGuire, Moore of Cobb, Moore of Lincoln, Morris, Murphy; Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Peeples, Ponder, Poole, Ragan, Reddish, Shropshire, Studstill, Swinney, Turner, Wales, Welborn, Whitaker, White and Wingfield.

Present 50.

One motion of Mr. Cone of Greene, the following bills were taken up and read a second time, to-wit:

A bill to change the management of the Western & Atlantic Railroad.

A bill to authorize heirs at law to settle estates where they are of lawful age, and more definitely to define the law on that subject.

A bill to provide for the calling of a Convention of the people of this State; to prescribe the number of delegates and the mode and manner of their election and duties, and to fix the time and place of the meeting of said convention.

A bill to incorporate Lawrenceville Lodge, No. 131 of Free and Accepted Masons.

A bill to facilitate the collection of certain debts.

A bill to increase the duties of Tax Receivers, Collectors, and County Treasurers of this State.

A bill to legalize the marriage of Ann Lynch with L. R. Wall, and to constitute the said Ann Lynch the legal heir of J. Lynch, her reputed father.

A bill to alter and fix the time of holding the Superior Courts of the county of Gwinnett and Hall, and for other purposes.

A bill to incorporate, the "Thomasville, Female College."

A bill to make it penal to cut wood timber and pine, and haul off the same from any of the lands in the county of Catoosa, without the consent of the owner or tenant in possession, or agent.

A bill to add the residence of R. J. Berrie of Camden county, to the county of Glynn.

A bill to divide the offices of Tax Collector and the Receiver of Tax Returns in the county of Dade.

A bill to authorize the endorsers on promissory notes and

other instruments which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered Bank, or which may be deposited in any chartered Bank for collection, to be sued in the same action with the principal or maker.

A bill for the relief of Stephen W. Parker of the county of Chattahoochee.

A bill to authorize the Clerk of Pike county to appoint a deputy in Barnesville.

A bill to incorporate the Commercial Bank of Georgia, to be located at Brunswick.

A bill to authorize Azariah Burnett of Dade county to practice medicine in said county.

A bill to incorporate the "Bank of Hamilton."

A bill to compel parties to pay extra costs in certain cases.

A bill to amend an act approved 23d December, 1822, to alter and amend an act entitled an act for reducing interest on money in this province, passed 27th March, 1759, so far as relates to usurious contracts.

A bill for the relief of William H. C. Pryor, Executor, &c.

A bill to lay out and organize a new county from the counties of Floyd and Chattooga.

A bill to incorporate "Woodland Female College" in Cedar town, Georgia, and to confer upon said corporation certain powers.

A bill to define more effectually the duties of Brigadier Inspectors, and to regulate their pay.

A bill to define the liability of Railroad companies, and for other purposes.

A bill to alter and change the line of Wilkinson and Baldwin county, so as to include the residence of Charles Ivey, now in Wilkinson to Baldwin.

A bill to incorporate the Apalachee Mining company.

A bill to amend certain sections of the act amending the act incorporating the town Calhoun, &c.

A bill to authorize the Georgia and Florida Railroad Company, to construct a trunk Road.

A bill to prevent free negroes from owning waggons and teams in their own right, and contracting for carrying freights.

A bill to amend the second section of an act entitled an act to prevent damages arising from dams or banks, and preventing persons from stopping the natural course or courses of water to the injury of their neighbors, approved September 29th, 1773.

A bill for the protection of widows whose husbands die intestate.

A bill to regulate the inheritance of estates of deceased husbands.

A bill to authorize the Governor to call a convention of the people of the State of Georgia.

A bill to authorize the Ordinary of DeKalb county to pay those who taught poor children in said county, in the year 1855, the money in his hands appropriated for that year.

A bill to prevent fraudulent claims to negro and other property.

A bill for the relief of the representatives and securities of Tax Collectors in certain cases, and for other purposes.

A bill to be entitled an act to amend the act, incorporating the town of Thomasville, and to grant certain privileges to the same, and to extend its limits.

A bill to reduce the Sheriff's bond of the county of Pickens.

A bill to change the time of holding the Superior and Inferior Courts of Early county.

A bill to add the county of Irwin, to the second Congressional district.

A bill to make parties in the Supreme Court, and for other purposes.

A bill to authorize Pliny Sheffield, a minor, to receive and inherit property, to contract and be contracted with, and to do all acts that he might do were he of full age.

A bill for the relief of Robert J. Ford of the county of Worth.

A bill for the relief of Geo. M. Hodges and Josiah Hill of the county of Macon.

A bill to allow persons owning livery stables in this State the same lien that tavern keepers now have.

A bill to extend and define the powers of the Union Society of the city of Savannah.

A bill to give persons furnishing boards, lumber, bricks and other materials for building and repairing houses, a lien and incumbrance on the houses in which the materials so furnished were used, so far as relates to the city of Savannah and county of Chatham, and to point out the mode of collecting the same.

A bill to authorize certain commissioners to raise by lottery a sum of money to pay the debts, and to endow Randolph College in Cuthbert.

A bill to prescribe a mode other than by certiorari for removing cases from Justices Courts to the Superior Courts, and to prescribe the rules therefor.

A bill to consolidate the offices of Tax Collector and Receiver of Tax Returns for the county of Fannin.

A bill in relation to the measurers of timber.

A bill to define the times of holding the Superior Courts in the Brunswick Circuit.

A bill to incorporate the Fort Gaines Bridge Company, and to punish those who may impair the same.

A bill amendatory of an act entitled an act to incorporate the trustees of the Masonic Hall in the town of Mill-edgeville.

A bill to authorize the Justices of the Inferior Court, to lay off the county of Floyd into school districts, and for other purposes.

A bill to amend an act approved December 17th, 1847, so as to require all parties desiring to take testimony in conformity with said act, to give the opposite party notice.

A bill to authorize the Clerk of the Superior and Inferior Courts of the county of Ware to keep their offices at their residence, if within eight miles of the Court House, and to exempt the Justices of the Inferior Courts from all other public duties during their continuance in office.

A bill to authorize Warren Dykes, an infirm man of the county of Worth, to vend goods, &c, in said county, without license or paying tax.

On motion the Senate adjourned until ten o'clock to-morrow morning.

TUESDAY, FEBRUARY 12th, 1856.

The Senate met pursuant to adjournment.

Mr. Shropshire moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill amendatory of the several acts in relation to the exemption of certain property from levy and sale; which motion was agreed to.

Mr. Calhoun moved to reconsider so much of the Journal of yesterday as relates to making a bill requiring all banks in this State, having agencies to redeem certain bills at the same and for other purposes; which motion was agreed to.

Mr. Screven from the committee on banks to whom was referred a bill to be entitled an act to amend an act to incorporate a bank in the city of Savannah, to be called the Mechanics and Trader's Bank, approved Feb'y 17th, 1854, to apply the provisions of said act to the Bank of Commerce, and for other purposes therein named, report the same with an amendment to the fourth section as follows:

"And each of said branches shall be required to redeem in specie all bills issued by said branches."

On motion of Mr. Screven the Senate took up the report of the committee of the whole on a bill to amend an act to

incorporate a bank in the city of Savannah, to be called the Mechanics and Trader's Bank, approved February 17th, 1854, to apply the provisions of said act to the Bank of Commerce and for other purposes.

On motion the amendment proposed by the committee on banks was agreed to; the report of the committee of the whole as amended was agreed to; the bill was read the third time and passed; and on motion ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Dunnagan the rules were suspended and the Senate took up and read a second time, the following bill, to-wit:

A bill to require the State Printer to cause to be reported the proceedings of the Legislature.

On motion the same was made the special order for Wednesday the 13th inst.

The joint standing committee on the Institution for the Blind beg leave to report:

That a majority of your committee by a visit to the Academy and personal inspection of the building, and its adaptation for the accommodation of teachers and pupils, have become entirely satisfied that the house now used, (as under existing circumstances, it must necessarily be,) for school rooms and sleeping apartments, is wholly unfit for such purpose, and in its present condition dangerous to the safety of pupils, we therefore recommend that the present Legislature appropriate a sum sufficient to pay for the erection of a suitable fire-proof building, believing (as your committee do) that the increase of pupils and consequent prosperity of the Institution, is retarded more by the want of a house for the accommodation, comfort and safety of pupils than from any other cause.

The Institution is in its infancy, with as yet but few pupils and comparatively few facilities for imparting instruction, yet the acquirements as exhibited first to a portion of the committee, and again publicly to the members of the Legislature, showed a progress and proficiency highly creditable to the pupils, honorable to their instructors, and which warrant such an endowment as will not only remove existing impediments to the prosperity of the Institution, but that will enable it to become as it should be, a proud monument to science and humanity.

Your committee take much pleasure in commending the zeal, fidelity and ability with which the President and Board of Trustees have discharged the duties incumbent on them, and are gratified to say that after a careful examination of the books, vouchers and reports of the officers of the Institution, they believe its interests have been managed with wisdom, prudence and economy, yet notwithstanding all this, from causes explained in the reports of the officers of

the Institution, and to which we desire to call the attention of the General Assembly, the necessary expenditures of last year for the support and maintenance of the school exceeded by several hundred dollars, the annual appropriation of \$2500 made by the last Legislature for that purpose, we therefore recommend an increase of the annual appropriation for the years 1856 and 1857, adequate to defray the necessary expenses of the Institution.

We deem it unnecessary to enter further into detail of the receipts disbursements, wants and requisitions of the Academy, as the same is fully and satisfactorily accounted for and set forth in the reports of the Trustees and officers of the Institution accompanying this report, and to which we desire to direct the attention of the General Assembly.

A plan with the specifications and probable cost of a building believed to be well adapted to the wants, comfort, protection and safety of teachers and pupils, has been presented to your committee, and they herewith submit the same to the consideration of the Legislature, trusting that such measures may be adopted as will redound to the credit of the State, and to the great benefit of the unfortunate blind in our midst.

All of which is respectfully submitted.

B. B. MOORE,
(et alias.)

The Senate took up the regular order which was the report of the committee of the whole on a bill to compel persons owning lands out of the county where they reside, to give in their numbers, district and county, where the lands lie.

On motion the same was referred to a select committee.—The committee appointed by the Chair are Messrs. Simms, Strickland and Cone of Bulloch.

The Senate took up the report of the committee of the whole on a bill to compel owners, &c., in Effingham, to employ a white man on plantations or farms. The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to require all banks in this State having agencies to redeem certain bills at the same, to prevent them from discounting or buying bills, bonds or notes at more than lawful interest, and to prevent them from buying without the limits of this State, such paper on the citizens of the same.

Mr. Simms offered a substitute to the same, and on motion of Mr. Hardeman, the original and substitute were referred to the committee on banks.

On motion, Messrs. Simms, Calhoun and Cone of Greene were added to the committee on banks.

Mr. Guerry from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

An act to change and enlarge the time of holding the Superior Courts of Meriwether and Butts counties, and for other purposes therein mentioned.

The Senate took up the report of the committee of the whole on a bill to authorise persons to grant certain lots of land in the counties of formerly Appling, Irwin, Early, on certain condition and for other purposes.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to require the tax collector of Hart county to pay a certain amount of money to the Justices of the Inferior Court of said county, to be used for county purposes.

The President ruled the same out of order.

The Senate took up the report of the committee of the whole on a bill to designate the children who shall be entitled to the benefits of the poor school fund, provided by the act entitled "an act to provide for the education of the poor;" approved January 22d, 1852, and for other purposes. The report of the committee was disagreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill for the relief for the better defining the powers and duties of the Inferior Court of Thomas county.

Mr. Maddux moved to amend the same by adding the following as an additional section to-wit:

And that the Inferior Courts of Jasper county shall require of pedlars the sum of one hundred dollars for the privilege of vending their goods, wares and merchandise in said county; which motion was lost. The report of the committee was disagreed to and the bill was lost.

Mr. Guerry from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate,

An act to repeal an act entitled an act to compel persons living in the county of Wayne to give in and pay their taxes in said county for all property in the State, so far as relates to the counties of Glynn and Camden, and for other purposes.

Also, an act to regulate the fees of pilots of the port of Savannah.

Also, an act to compensate the petit jurors of Dougherty Lee, Worth, Calhoun and Polk counties.

Mr. Guerry from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate,

An act to amend an act entitled an act to alter and change the mode of appointing Trustees of Glynn County Academy in the county of Glynn, and to compel the treasurer to give

bond and security for the faithful performance of his duty and for other purposes.

Also, an act for the relief of David A. Walker of the county of Harris, a minor in the twenty-first year of his age.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary:

Mr. President: The Governor has approved and signed the following acts, to-wit:

An act to authorise the Justices of the Inferior Court of the county of Burke, to issue bonds to enable them to rebuild the court house, and other public buildings of said county.

An act to change and enlarge the time of holding the Superior Courts of Meriwether and Butts counties and for other purposes therein mentioned.

The Senate took up the report of the committee of the whole on a bill to define the jurisdiction of the courts of Ordinary in this State; and for other purposes. The Report of the committee of the whole was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to lay out and organise a new Judicial Circuit out of the counties of Heard, Coweta, Campbell, Carroll, Haralson, Paulding and Polk.

Mr. Alfred moved to postpone the same indefinitely, which motion was lost.

Mr. Gray moved to strike out the word 'Paulding;' which was agreed to.

Mr. Shropshire moved to add the word 'Floyd.'

On motion of Mr. Moore of Cobb, the bill, and also the bill to lay out a new circuit to be called the North-Eastern Circuit, were referred to a select committee.

The committee appointed are Messrs. Moore of Cobb, Bloodworth, Buchanan, Dabney, McGuire, Coffee, McMillan and Peeples.

The Senate took up the report of the committee of the whole on the bill to incorporate the Welaka Steamboat Company: the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to add an additional section to an act to incorporate the Georgia and Florida Steam Packet Company, approved February 18th, 1854, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to limit the time of service of Grand and Petit Jurors in the City Court of Savannah, and to exempt keepers of Cemeteries from service on Juries. The report

of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of John T. Ball and others of Stewart county.

On motion of Mr. Guerrey the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to confer certain additional powers on the Mayor of the city of Savannah.

Mr. Screven moved to fill the blank in the 2nd section with the words, 'ten days', which motion was agreed to; the report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to protect property in the hands of innocent purchasers, &c.

Mr. Nichols moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 55, nays 19.

Those voting in the affirmative are Messrs. Atkinson, Billups, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Colbert, Cone of Bulloch, Crowder, Dabney, Gordon, Grant, Guerrey, Hamilton, Hardeman, Harris of Talliaferro, Harris of Worth, Hays, Hill, Knight, Lawton, Lott, Maddux, Matthews, McCrimmon, McIntosh, McMilian, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Nichols, Patterson of Gilmer, Patterson of Jefferson, Peeples, Ponder, Pope, Ragan, Reddish, Shropshire, Simms, Strickland, Studstill, Sumner, Swinney, Turner, Wales, Ware, Welborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Beall, Cannon, Chastain, Coffee, Gray, Hale, Howell, Jamison, Jeter, King, McDonald, Moore of Cobb, Murray, Paulk, Poole and White.

So the motion prevailed, and the bill was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole on a bill to add certain counties therein named from the Southern to the Eastern Judicial Circuit.

On motion of Mr. McDonald the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to incorporate the town of Morgan in Calhoun county, and appoint Commissioners for the same; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on a bill to change the lines between Randolph and Calhoun counties.

On motion of Mr. Guerrey the same was laid on the table for the present.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to incorporate a Bank in the city of Rome, Floyd county, Georgia, to be called the Bank of the Empire State.

A bill to be entitled an act supplemental to an act to authorise the selection and permanent location of a county site in the county of Wayne, to authorise the building of a new Court House, and the levying of an extra tax, and for other purposes therein specified, approved 23rd January, 1856.

A bill to be entitled an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts, approved December 14th, 1811.

They have also passed the following bills of the Senate, to-wit :

A bill to be entitled an act to regulate the fees of pilots for the port of Savannah.

A bill to be entitled an act to repeal an act entitled an act to compel persons living in the county of Wayne to give in and pay their taxes in said county for all property in the State, so far as relates to the counties of Glynn and Camden, and for other purposes.

A bill to be entitled an act to incorporate the Hydrant Water Company of Columbus.

A bill to be entitled an act to organise the Court of Common Pleas in the city of Augusta, to change the name thereof, to give it jurisdiction in criminal cases, and for other purposes.

A bill to be entitled an act to compensate the Petit Jurors of the counties of Dougherty, Lee, Worth, Calhoun and Polk.

A bill to be entitled an act for the relief of Daniel A. Walker of the county of Harris; a minor in the twenty-first year of his age.

A bill to be entitled an act to amend an act entitled an act to alter and change the mode of appointing Trustees of Glynn County Academy, in the county of Glynn. and to compel their Treasurer to give bond and security for the faithful performance of his duty ; and for other purposes.

And have also passed the following bills of the Senate, with amendments, to-wit :

A bill to be entitled an act to make legal the election of James Bush to the office of Ordinary of Early county, and

to legalize the acts of John J. Pilcher, Deputy Ordinary of the county of Warren.

A bill to be entitled an act to incorporate the Union Coal and Iron Company of Georgia, Georgia Coal Mining Company, and the Pocahontas Mining Company.

A bill to be entitled an act to lay out and organise a new county from the counties of Lee and Randolph, and for other purposes therein mentioned.

A bill to be entitled an act to incorporate the town of Brunswick in the county of Glynn, and for other purposes therein mentioned.

A bill to be entitled an act to repeal so much of an act entitled an act to add a part of Carroll county to the county of Heard, and to establish an additional election precinct in Heard county, assented to December 20th, 1834, as relates to adding a part of Carroll county to the county of Heard.

A bill to be entitled an act to add lots of land numbers 117, 118 in the 6th District of Irwin county to the county of Worth; and to change the lines between certain other counties.

They have also concurred in the amendments of the Senate to the bill of the House to be entitled an act to amend an act to incorporate a Bank in the city of Savannah to be called the Mechanics and Traders' Bank, approved February 17th, 1854, to apply the provision of said act to the Bank of Commerce; and for other purposes therein named.

On motion the Senate took up the message of the House of Representatives in relation to the bill of the Senate to make legal the election of James Bush to the office of Ordinary of Early county, and to legalize the acts of John J. Pilcher, Deputy Ordinary of the county of Warren, and certain amendments of the House to the same.

On motion the Senate concurred in the amendments of the House.

The Senate took up the message of the House of Representatives in relation to a bill to repeal so much of an act entitled an act to add a part of Carroll county to the county of Heard, and establish an additional election precinct in Heard county, assented to Dec. 20th, 1834, as relates to adding a part of Carroll county to the county of Heard, and certain amendments to the same.

On motion the amendments of the House of Representatives were concurred in by the Senate.

The Senate took up the message of the House in relation to the bill to incorporate the Union Coal and Iron Company of Georgia, and Georgia Coal Mining Company, and certain amendments to the same.

On motion the Senate concurred in the amendments proposed by the House of Representatives.

The Senate took up the message of the House of Repre-

representatives in relation to a bill of the Senate to lay out and organize a new county from Lee and Randolph, to repeal an act entitled an act to make permanent the public site in the county of Lee at Starksville, and to incorporate the same, to appoint Commissioners and to define their powers, approved Dec. 26th, 1851, to provide for the selection of a new county site, to locate permanently the public site of the county of Lee at Starksville and to compensate the lot owners of the town of Webster, with certain amendments, and on motion the same were concurred in.

On motion the Senate adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Cone of Greene the bill to define the liability of parties in action of Trover, was reinstated by unanimous consent and placed in its order upon the calendar.

On motion of Mr. Murray the order was suspended, and the Senate took up the report of the committee of the whole on the reconsidered bill to incorporate a Bank in the town of Ringgold, to be called "The North-Western Bank of Georgia."

The report of the committee was agreed to, the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are, yeas 44, nays 21.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Billups, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Cantrell, Carlton, Chastain, Coffee, Gordon, Hale, Hardeman, Hays, Jamison, Knight, Lawton, Lott, Maddux, Matthews, McDonald, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Ponder, Poole, Simms, Screven, Spalding, Studstill, Swinney, Wales, Welborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Alfred, Beall, Camden, Colbert, Dabney, Dunnagan, Gray, Grant, Hamilton, Harris of Taliaferro, Harris of Worth, McCrimmon, Moreland, Paulk, Peebles, Reddish, Shropshire, Sumner, Turner, Ware and White.

So the bill was passed.

Your Committee appointed by resolution of the Senate, in accordance with the recommendation of his Excellency the Governor, contained in his message in relation to suits, by certain citizens of the State of Tennessee, in the Courts of that

State, against the State of Georgia, for alleged damages claimed to have been sustained by those citizens, for failure to ship promptly, and for unreasonable detention of produce and merchandize, owned by said citizens, and registered for shipment or transportation over the Western and Atlantic Rail Road, have had those suits, the evidence and the proceedings had therein under consideration, and beg leave to make the following report :

To have a proper understanding of the questions under consideration, it will be necessary to examine the legislation of the State of Tennessee, conferring on the State of Georgia the right to construct a part of the Western & Atlantic Rail Road in that State.

The State of Tennessee, by act of her Legislature, passed January 24, 1838, granted to the State of Georgia the right to extend and construct the Western & Atlantic Rail Road, from the Georgia line to the Tennessee river, with all the privileges and immunities, and subject to the same restrictions as far as they are applicable, as were granted by the State of Tennessee to the Highwassee Rail Road company. The State of Tennessee by act of her Legislature passed February 3, 1846, conferred upon the State of Georgia, so far as the Western & Atlantic Rail Road is concerned, all the rights, privileges and immunities with the same restrictions as were conferred by that State on the Nashville and Chattanooga Rail Road Company.

By virtue of the privileges conferred by these acts, the State of Georgia constructed a portion of the Western & Atlantic Rail Road in the State of Tennessee, upon the terms specified in the above recited acts, your committee are of opinion that the State of Georgia by accepting the terms, privileges and immunities, as well as the restrictions specified in the acts above mentioned, became liable to be sued in the Courts of Tennessee, and consented to waive so much of her sovereignty, as to authorize suits to be brought in these courts, for causes of action arising in the State of Tennessee for injuries, default or negligence on the part of the Agents of the Western and Atlantic Rail Road. Your committee are of opinion, that the causes of these suits originated for the want of a sufficient equipage of locomotives and cars to transact the business of the Road.

In the year 1852, the amount of produce offered for transportation over the Western & Atlantic Rail Road, was very large, and the facilities of the Road for doing the heavy business were very limited.

The Road was mainly dependent for freight Cars on the Geo., Macon & Western, and Central Rail Roads, which roads to some extent claimed and exercised the right to prescribe the quality of freights, transported in their respective cars, in consequence of the exercise of this right, great dif-

difficulty arose in transporting freights over the Road in the order of their registry, and most of the suits submitted to our examination were predicated on a claim for damages in behalf of the Plaintiffs for non shipment of produce registered by them for transportation over the Road, within a reasonable time, and in the order of their registry. Annexed to this report is a statement of the number of suits brought, for what brought of the amount claimed and of those determined, how much recovered, together with a brief of the evidences in those cases, and the proceedings had therein.

The suits have been brought, not against the State of Georgia as defendant, but against the Western and Atlantic Rail Road, which your committee consider irregular and erroneous, in as much as there is no such natural person as the Western and Atlantic Rail Road: neither has there been created by the Legislature of the State of Georgia or Tenn. any such artificial or incorporation, for all the rights, privileges and immunities conferred by the State of Tennessee, were conferred upon the State of Georgia, and not upon a company called the Western and Atlantic Rail Road.

The Western and Atlantic Rail Road is not a company or corporation, but simply the name of a line of Rail Roads extending from the city of Atlanta to the city of Chattanooga, and is the property of the State of Georgia, consequently we are of the opinion that there is and was no defendant in these cases, and the proceedings had therein, were and are void against the State of Georgia, and the judgements had thereon, of no binding force or effect upon the property of the State of Georgia, situated in Tennessee or elsewhere.

Most of the cases decided have been determined by submission to arbitrators.

Your Committee would recommend that the cases still pending be rigorously defended in the Courts of Tennessee, and that no more of them be submitted to arbitration.

Your Committee would further recommend that the Road be equipped in such a manner as to enable the agents to transact the business offered, with dispatch and promptness, which we believe would largely increase the property of the Roads, and greatly benefit the citizens of our State residing on that line of Road.

We would further recommend that a freight list be established, graduated in proportion to the distances which freights are carried over that Road.

Your committee are divided in opinion on the question as to whether Georgia ought or ought not to sell, or dispose of that portion of the Western and Atlantic Rail Road lying in the State of Tennessee; and upon that subject beg leave to make no further report.

All of which is respectfully submitted.

F. H. CONE, Chairman.

On motion of Mr. Moore of Lincoln, the rules were suspended, and the Senate took up the report of the committee of the whole on a bill to confer certain privileges on John Q. Spires of Lincoln county, and to make lawful his acts, and to give him authority to transact business as though he were of full age; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the town of Lamar in the county of Baker; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole on the bill to change and locate the north-western terminus of the Western and Atlantic Rail-road, and for other purposes.

Mr. Dabney offered a substitute for the same. and on motion of Mr. Jeter, the original and substitute were postponed and made the special order for Friday next.

The Senate took up the report of the committee of the whole on a bill to alter and amend the sixth section of an act approved 11th February, 1854, entitled an act to incorporate the Dalton and Copper Mine Turnpike Plank and Rail-road Company, and to allow the Company to build a Turnpike, Plank or Rail-road; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of the estate of P. F. Mahone and for other purposes.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to authorise the investment of trust funds in certain cases.

Mr. Pope moved to postpone the same indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 44, nays 29.

Those voting in the affirmative are Messrs. Adams, Bilups, Bloodworth, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Carlton, Chastain, Coffee, Colbert, Crowder, Dunnagan, Gray, Gordon, Grant, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Hays, Hill, Jeter, Maddux, McCrimmon, McGuire, McIntosh, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Nichols, Patterson of Jefferson, Ponder, Pope, Simms, Scott, Smith, Studstill, Swinney, Ware, Whitaker and White.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Beall, Brown of Baldwin, Dabney, Hale, Harris of Worth, Hines, Jamison, Lawton, Lott, Matthews, McDonald, McMillan, Morris, Murray, Patterson of Gilmer

Peeples, Poole, Sapp, Shropshire, Screven, Strickland, Sumner, Turner, Wales, Wellborn and Wingfield.

So the motion prevailed.

The Senate took up the report of the committee of the whole on the bill to change the time of holding the Inferior Court in the county of Worth; the report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to regulate the costs of the Clerk and Sheriff of the Supreme Court by the Judges of said Court.

On motion of Mr. Buchanan the proviso of the first section was stricken out.

Mr. Nichols moved to postpone the bill indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 54, nays 13.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Billups, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Calhoun, Camden, Cantrell, Carlton, Causey, Coffee, Colbert, Crowder, Dunnagan, Gordon, Grant, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Hines, Jeter, Knight, Maddux, Matthews, McCrimmon, McDonald, Moody, Moore of Cobb, Nichols, Patterson of Gilmer, Paulk, Peeples, Pharr, Ponder, Reddish, Sapp, Shropshire, Scott, Screven, Smith, Spalding, Studstill, Sumner, Swinney, Wales, Ware, Whitaker and White.

Those voting in the negative are Messrs. Buchanan, Chastain, Dabney, Guerry, Harris of Worth, McGuire, McMillan, Moreland, Patterson of Jefferson, Poole, Simms, Strickland and Turner.

So the motion prevailed.

The Senate took up the report of the committee of the whole on a bill to authorise John A. Powell of the county of Fannin, to practice medicine and surgery in all its branches, upon the Alopatic or Mineral system, in any of the counties in this State, and charge and collect his fees for the same, without obtaining a licence therefor from the Medical Board of Physicians of the State of Georgia.

Mr. Nichols moved to postpone the same indefinitely; which was lost.

The report of the committee of the whole was agreed to, the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 33, nays 44.

Those voting in the affirmative are Messrs. Allred, Ashe, Beall, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Cantrell, Carlton, Chastain, Coffee, Colbert, Dunnagan, Grant, Guerry, Hale, Harris of Taliaferro, Knight, Lott, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murray, Nichols, Patterson of Gilmer, Patterson of Jefferson,

Paulk, Poole, Pope, Simms, Spalding, Wellborn and White.

Those voting in the negative are Messrs. Adams, Atkinson, Billups, Brice, Brown of Calhoun, Buchanan, Calhoun, Camden, Causey, Crowder, Dabney, Gray, Hamilton, Hardeman, Harris of Worth, Hays, Hines, Jamison Jeter, Maddux, Matthews, McCrimmon, McDonald, McGuire, Moody, Moreland, Murphy, Peeples, Ponder, Ragan Sapp, Scott, Smith, Strickland, Sumner, Swinney, Turner Wales, Ware, Whitaker and Wingfield.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill to authorise and require the Ordinary of Madison county to pay Jasper N. Key and Robert W. Milner of said county, for teaching poor children in said county, Key in the year 1851, and Milner in the year 1854, out of any money in his hands not otherwise appropriated, also the Ordinary of Putnam county to pay Robert W. Milne for teaching poor children in said county in the year 1851.

Mr. McMillan offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That so much of an act approved February 13th, 1854, as requires the Treasurer of the county of Madison to be elected by the people be, and the same is hereby repealed.

Mr. Moore of Lincoln offered the following as an additional section, which was agreed to, to-wit :

Be it further enacted, That all the Ordinaries of this State be authorised to pay teachers of poor children for the years 1853, 1854 and 1855, out of any surplus money in their hands not otherwise appropriated.

The following was added as an additional section by Mr Wingfield, which was agreed to, to-wit :

And be it further enacted, That said Ordinary of Putnam be required to pay, also, out of any monies which may be in his hands belonging to the school fund, fifty-three dollars to Gracy Perryman, Jr.

Mr. Hill offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That the Ordinary of Harris pay to teachers of poor children for the years 1848, '49, '50 and '51 and '52, out of any money in the Treasury not otherwise appropriated.

Mr. Adams offered the following amendment, which was agreed to, to-wit :

That the Ordinary of Clay county pay N. F. Cooledge for teaching poor children in the years 1853 and 1854.

Mr. Jeter moved that the provisions of this act apply to the county of Marion for the years 1854 and 1855 ; which motion was agreed to.

Mr. Smith moved that the same apply to the county of ones for the years 1853 and 1854; which was agreed to.

Mr. Maddux moved to extend the same provisions to the county of Jasper for the years 1854 and 1855; which motion was agreed to.

Mr. Swinney moved that the same be extended to the county of Kinchafoonee for the years 1854 and 1855; which was agreed to.

Mr. Scott moved to extend the same to the county of Stewart for 1854 and 1855; which was agreed to.

Mr. Grant moved to extend the same to the county of Walton for the years 1854 and 1855; which was agreed to.

Mr. Harris moved to extend the same to the county of Worth for 1854 and 1855, which was agreed to.

The report of the committee as amended was agreed to, the bill read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to compensate the Sheriff and his deputies of the county of Wilkes for certain services therein named.

The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to more effectually provide for the payment of the teachers of poor children.

The report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to be entitled an act authorizing Edmond M. Butler, guardian, to sell the land and negroes belonging to the ward Hannah Butler.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill for the relief of Andrew J. Hudson of Stewart county.

Mr. McMillan moved to amend by adding the following as an additional section, to-wit:

That Elizabeth Martin of the county of Habersham, whose husband is now confined in the Penitentiary for life for the crime of murder.

The chair ruled the same out of order, whereupon Mr. McMillan appealed from the decision of the Chair, and upon the question being put, Shall the decision of the Chair stand as the judgment of the Senate? it was decided in the affirmative.

Mr. Guerry moved to amend by adding the following as an additional section, to-wit:

"And that James Suggs have all the provisions extended to Andrew J. Hudson in this bill extended to him; which was agreed to.

Mr. Bloodworth moved to amend by adding the following, to-wit:

"And the provisions of this bill be extended to Thomas Meed of Haralson county; the report of the committee was agreed to; the bill was read the third time and lost.

Mr. Simms from the select committee to which was referred a bill to compel persons owning lands out of the county where they reside to give in their numbers, district and county where the lands lie, report the same back with a substitute, and recommend the passage of the substitute.

Pending the consideration of the same, on motion, the Senate adjourned until half-past seven o'clock this evening.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment

On motion of Mr. Lawton the rules were suspended and the Senate took up the following resolution of the House of Representatives, to-wit, and the same was agreed to:

Whereas there is an act of Congress in force compelling among other water crafts all Steamboats on any river to provide themselves with life-preservers, and whereas the Steamboats on Savannah River, plying between Savannah and Augusta will not provide themselves with the same, and will not take passengers on said river because the passage money will not warrant the outlay necessary for the purchase of such life-preservers, and therefore persons living on and contiguous to said river are frequently put to serious inconvenience for want of conveyance from and to different points thereon:

Therefore be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That our Senators and Representatives in the Congress be, and are hereby requested to use their immediate exertions to procure the repeal of said law, so far as it relates to the said Savannah river and the Steamboats plying on the same from Savannah up said river, and down to the same.

And be it further Resolved, That his Excellency the Governor transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

On motion of Mr. Hill the Senate took up and read a second time, the following bills of the House of Representatives, to-wit:

A bill to incorporate the Griffin Savings and Mutual Loan Association.

A bill for the relief of John H. Kelly of the county of Hancock.

A bill to grant certain privileges unto, and to incorporate the Oostanaula River Steamboat Company.

A bill to incorporate the Goshen Mining Company.

A bill to incorporate the Hightower Mining Company.

A bill to allow further time to Sheriffs and their Deputies for the service of writs, declarations, processes and bills in Equity.

A bill to incorporate the Rome Volunteers, and to grant them certain privileges and immunities.

A bill to authorise certain persons to build a bridge across the Chattahoochee-river.

A bill to incorporate Hillsboro' in the county of Floyd.

A bill to change the corporation line of the city of Rome, so as to exclude the lands of Lewis D. Burwell.

A bill to change the line between the counties of Randolph and Calhoun.

A bill to provide for the survey of the Okefenoke swamp.

A bill to incorporate the town of Hartwell in the county of Hart.

A bill to add an additional section to the fourteenth division of the Penal Code.

A bill for the relief of Caleb J. Moncrief and Young J. Browning of the county of Meriwether.

A bill to compensate the Grand and Petit Jurors of the county of Decatur.

A bill to repeal an act to amend the patrol laws of this State, approved Feb. 20, 1854, so far as relates to the county of Liberty.

A bill for the relief of Wilson L. Owen of the county of Upson.

A bill to amend the eighteenth section of the charter of the city of Atlanta, and to confer certain powers upon the Mayor and Council.

A bill to incorporate Line Church on or near the line of Habersham county.

A bill to authorise the Inferior Court of Polk county to levy an extra tax for county purposes upon the recommendation of the Grand Jury of said county.

A bill for the relief of Joseph L. Robinson of the county of Appling.

A bill to authorise the Justices of the Inferior Court of Chatham county to borrow money, and levy and collect an extraordinary tax for the building of a new Jail for said county.

A bill to amend an act entitled an act to incorporate the village of Ringgold in Walker (now Catoosa) county, approved December 27th, 1847, to define the boundary of said incorporation, and confer certain powers upon the Commissioners of said village.

A bill to repeal an act entitled an act to amend the 10th division of the penal laws of this State.

A bill for the relief of Margaret Marchman formerly Margaret Watson of the county of Greene, and to change the name of said Margaret Marchman to that of Margaret Watson.

A bill to allow Trustees to make returns to the Court of Ordinary.

A bill to appropriate one hundred dollars to be refunded to Samuel Walker of Fulton county, who paid that amount over and above his lawful tax to the State in 1854.

A bill to appropriate a sum of money to remove obstructions from the Big Satilla River, and to render the same navigable for timber rafts, lumber, wood, and for other purposes herein mentioned.

A bill to allow Trustees to make returns to the Court of Ordinary.

A bill to repeal an act entitled an act to amend the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Glynn.

A bill to alter and amend an act entitled an act to carry into effect the amended Constitution of this State in reference to Ordinaries of this State, and for other purposes, assented to January 21st, 1852, so far as relates to the county of Tattnall.

A bill to confer certain rights and privileges on Charles K. Jarrett his heirs and assigns for the term of twenty-five years.

A bill to incorporate Holmesville Lodge number one hundred and ninety-five of Free and Accepted Masons of the town of Holmesville, Appling county.

A bill to incorporate the Middle Ground Rail-road, to provide for its organization, and to define its rights and liabilities.

A bill to incorporate the Bibb County Orphan Asylum.

A bill to incorporate Randolph College in Cuthbert, Georgia.

A bill to amend an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to the Justice's Courts, to enlarge the jurisdiction of Justices of the Peace in Fulton county.

A bill to add an additional section to the Penal Code.

A bill for the relief of Spencer Caldwell of the county of Clay.

A bill to incorporate the Atlanta Gas Light Company.

A bill to authorise the Inferior Court of Decatur county to levy a tax for the purpose of paying the Superintendents, Clerks and those who consolidate the returns of elections of said county for their services.

A bill to authorise persons owning, or who may hereafter

own lands on any water courses in this State to ditch the same.

A bill for the relief of James M. Mitchell of the county of Muscogee.

A bill to make Walter R. Youlles formerly Walter R. Highsmith of the county of Wayne the lawful heir of the said Walter Youlles.

A bill to amend the seventh section of the second article of the Constitution, so as to define and restrict the pardoning power of the Legislature.

A bill to amend an act assented to 24th December, 1847, entitled an act to incorporate the Muscogee Asylum for the poor.

A bill to alter and amend the 18th and 19th sections of the 1st article of the Constitution of the State of Georgia.

A bill to incorporate the Indian Spring Male and Female Academies.

A bill to make and constitute Anistatia Lorentine Horn wife of Alfred Horn of Bibb county, a sole trader.

A bill to incorporate Sandy Run Academy in the county of Houston, and to appoint trustees for the same.

A bill to change the lines dividing the counties of Coweta and Meriwether, also to change the line dividing Pickens and Cherokee, so as to add lot of land No. 133, 23rd district, 2nd section to Cherokee county.

A bill to change the residence of John W. Darracott from the county of Warren to the county of Taliaferro.

A bill to authorise the Inferior Court of Catoosa county to levy an extra tax for county purposes, upon the recommendation of the Grand Jury of said county.

A bill to exempt all persons over forty-five years of age from patrol duty, and to shorten the time of service of patrol companies.

A bill to reduce the number of Jurors required for Coroner's inquests in the county of Chatham.

A bill to incorporate certain persons under the name and style of the Columbus Iron Works Company.

A bill to incorporate White Path Gold and Copper Mining Company of North-Western Georgia.

A bill to incorporate the Columbus Fire Company, No. 4.

A bill to authorise Charles Cowart of the county of Clinch and Harmon N. Sapp of the county of Lowndes to vend goods, wares, &c., within said counties.

A bill to make a final disposition of the assets of the Central Bank.

A bill for the relief of Mary F. Durand wife of Samuel Durand of the town of LaGrange and Martha E. Alford of the county of Troup, and also Malinda Davis of the county of Fulton.

On motion of Mr. Pope, the Senate took up the report of

the committee of the whole on a bill to authorize James O. Hunt of the county of Harris to practice medicine, charge and collect fees for the same.

Mr. Wellborn moved to amend by inserting the name of G. W. King of Whitfield county, which motion was lost.

Mr. Hill moved the previous question, which being seconded, the main question was put, and decided in the affirmative and the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to incorporate a town to be called Warsaw ; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to extend the charter of the Savannah institution for Savings ; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to lay out a new county out of the counties of Cass, Paulding, Floyd and Polk.

On motion of Mr. Hardeman the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on the bill to repeal an act defining the duty of the Inferior Courts in relation to the building of bridges, so far as relates to the county of Jackson.

The report of the committee was agreed to ; the bill was read the third time and passed.

On motion leave of absence was granted, for a few days, to Mr. Jeter.

The Senate took up the report of the committee of the whole on the bill to exempt active members of the Young America Fire Company from Jury and Militia duty ; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise Asa Houston Langston of Hart county to practice medicine and receive pay for the same.

Mr. Pope moved the previous question, which being seconded the main question was ordered to be put and was decided in the affirmative, and the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to prevent certain persons from conveying.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to amend the law in relation to taking of bonds in the Courts of Ordinary.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to point out the mode or manner of collecting Magistrates and Constable fees in the county of Chatham, and to amend an act to repeal an act to extend the civil jurisdiction of the Justices of the Peace, &c.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to protect ferry ropes and ferry boats; the report of the committee of the whole was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to compensate persons in possession of land whose titles may be defective; the report of the committee of the whole was disagreed to and the bill was lost.

The Senate took up the report of the committee of the whole a bill to give Justices of the Peace the right to try all cases of damage, when the amount does not exceed fifty dollars; the report of the committee of the whole was agreed to, the bill was read the third time and and lost.

On motion the Senate adjourned till ten o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 13th, 1856.

The Senate met pursuant to adjournment.

Mr. Peeples moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill to be entitled an act more effectually to provide for the payment of the teachers of poor children, which motion was agreed to.

Also, a bill to designate the children who shall be entitled to the benefits of the poor school fund provided by the act entitled an act to provide for the education of the poor, approved January 22d, 1852; which motion was agreed to.

Mr. Screven moved to reconsider the Journal of yesterday so far as relates to the action of the Senate, on the following bills, to-wit:

A bill to add an additional section to an act to incorporate the Georgia and Florida Steam Packet Company, approved February 18th, 1854.

Also, a bill to incorporate the Welaka Steamboat Company; which motion was agreed to.

Mr. Knight moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill to define the jurisdiction of the Courts or Ordinary in this

State, and for other purposes; which motion was agreed to, and the same was referred to a select committee.

The committee appointed by the Chair are Messrs. Murphy, Simms and Lawton.

Mr. Ponder moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill for the better defining the duties of the Inferior Court of Thomas county; which motion was agreed to.

Mr. Lawton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill to authorise the investment of trust funds in certain cases, whereupon the yeas and nays were required to be recorded and are yeas 40, nays 37.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Beasley, Brice, Brown of Baldwin, Brown of Gwinnett, Carlton, Causey, Chastain, Cone of Greene, Dabney, Dunnagan, Gray, Hale, Hines, Howell, Knight, Lawton, Matthews, McDonald, McMillan, Moody, Moore of Cobb, Morris, Murphy, Murray, Patterson of Gilmer, Peoples, Ponder, Ragan, Renfro, Sapp, Shropshire, Simms, Scott, Screven, Spalding, White and Wynn.

Those voting in the negative are Messrs. Allred, Beall, Billups, Bloodworth, Buchanan, Calhoun, Camden, Cannon, Cantrell, Coffee, Cone of Bulloch, Crowder, Dixon, Dupree, Gordon, Hamilton, Hardeman, Harris of Taliaferro, Hays, Maddux, Marshall, McCrimmon, McIntosh, Moore of Lincoln, Moreland, Patterson of Jefferson, Paulk, Poole, Pope, Rudisill, Smith, Strickland, Studstill, Sumner, Swinney, Turner and Wellborn.

So the motion prevailed.

Mr. Chastain moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate, on a bill to authorise John A. Powell of the county of Fannin to practice medicine and surgery without license; which motion was agreed to.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to appropriate money to erect a necessary building for the accommodation of the pupils at the Institute for the Blind, located in the city of Macon.

A bill to be entitled an act to require agents at the depots of the Western and Atlantic Rail-road to receipt for, and mark produce, &c.

A bill to be entitled an act to incorporate the Georgia College of Science and Agriculture, located at _____ in the State of Georgia.

A bill to be entitled an act to alter and amend the several

laws in relation to the poor school system, so far as relates to the county of Lumpkin.

A bill to be entitled an act to authorise the Ordinaries of the several counties in this State to pay accounts of the teachers of poor children in certain cases therein specified.

A bill to be entitled an act to reduce the Sheriff's bond of the Sheriffs hereafter to be elected in the county of Hart from the sum of twenty thousand dollars to the sum of ten thousand dollars.

A bill to be entitled an act for the relief of Abner P. Powers.

A bill to be entitled an act amendatory of an act incorporating the Muscogee Rail-road Company, so far as regards the qualification and election of Directors thereof.

A bill to be entitled an act authorising Ordinaries of this State to issue fi fas for cost in certain cases.

A bill to be entitled an act to incorporate the Augusta Savings Bank.

A bill to be entitled an act for the relief of Mason Tiller of the county of Lee.

A bill to be entitled an act to compensate John T. Riley, William H. Whitfield and John D. Crawford for services rendered.

A bill to be entitled an act for the relief of James Roundtree of the county of Fulton and James Suggs of the county of Randolph.

A bill to be entitled an act to make executors and administrators liable for costs in certain cases.

A bill to be entitled an act to authorise Ransom Rogers, Sen'r., of the county of Scriven, to practice medicine and charge therefor.

A bill to be entitled an act to provide for the preservation of the public records, and for other purposes.

A bill to be entitled an act to authorise Ephraim Yonn of the county of Telfair to peddle in the counties of Telfair and Montgomery; and Richard B. Dickson of the county of Clarke to peddle in the county of Clarke; also, Henry Stewart of the county of Catoosa, to peddle in the county of Catoosa, without paying license.

A bill to be entitled an act to authorise Thomas R. Gibbs an infirm man to peddle without paying license.

A bill to be entitled an act to lay out and organise a new county from the counties of Baker and Early to be called Miller.

A bill to be entitled an act to incorporate a Bank in the town of Morgan to be called the Bank of Morgan.

Mr. Screven from the committee on Internal Improvements to whom was referred a bill to be entitled an act to authorise the Gainesville and Chattahoochee Ridge Rail-road Companies to consolidate their charters and make them uniform

and to increase and fix the amount of their capital, report the same to the Senate without amendment, and recommend its passage.

Mr. Guerry from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, an act to incorporate the Hydrant Water Company of Columbus.

Also, as signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, an act to amend an act to incorporate a Bank in the city of Savannah to be called the Mechanics and Traders' Bank, approved February 17th, 1854, to apply the provisions of said act to the Bank of Commerce, and for other purposes therein named.

On motion of Mr. Shropshire the Senate took up the report of the committee of the whole on the reconsidered bill amendatory of the several acts in relation to the exemption of certain property from levy and sale and to provide a mode of securing said property to the family of the debtor under certain penalties.

Mr. Shropshire moved to amend the same by striking out all after the enacting clause and insert the following in lieu thereof, to-wit :

A bill to be entitled an act to amend the several acts in relation to the exemption of certain property from levy and sale, and to provide a mode of securing said property to the wife and children, or wife, or child, or children of said debtor.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same. That in all cases hereafter when any fi fa or attachment shall be issued from any of the Courts of this State the defendant or defendants in said fi fa shall be authorised to present to the levying officer a schedule of such property as may be exempt from levy and sale, and upon failure of the defendant to do so, then the wife of defendant, or any one of the children, or any one who shall appear as the next friend of said wife, or child, or children shall be authorised to do so, provided, that said next friend shall give notice under oath that the same is done in good faith, and when this shall be done, if the levying officer shall levy or sell said property he shall be liable to pay three times the amount of the value of the same to be recovered in any Court of competent jurisdiction in this State, or be subject to indictment, and upon conviction be fined the amount of the value of said property and costs of suit.

And be it further enacted, That when the said property shall be claimed as aforesaid, the same shall be subject alone to the use of the wife of defendant, and be by her used du-

ring her life time, and at her death to be for the use of all her children under the age of sixteen years.

And be it further enacted, That all laws in conflict be, and the same are hereby repealed.

Mr. Dabney moved to amend the same by striking from the first section, all after the words, "shall be liable to" and insert the words "be sued for trespass," which motion was agreed to.

The motion of Mr. Shropshire prevailed; the report of the committee as amended was agreed to, the bill was read the third time and passed.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary :

Mr. President: The Governor has approved and signed the following acts, to-wit :

An act to compensate the Petit Jurors of Dougherty, Lee, Worth, Calhoun and Polk counties.

An act to repeal an act entitled an act to compel persons living in the county of Wayne to give in and pay their taxes in said county, for all property in the State, so far as relates to the counties of Glynn and Camden, and for other purposes.

An act to regulate the fees of Pilots for the port of Savannah.

Mr. Guerry from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, an act to amend the several acts in relation to the town of Athens.

Mr. McMillan from the committee upon Public Education and Free Schools, to whom was referred the memorial of the Trustees of the University of Georgia, having given the subject embraced in said memorial their mature consideration ask leave to report :

That we deem it unnecessary to state in detail all the points embraced in the argument which has brought our minds to the results at which we have arrived in support of the position that there ought to be a further endowment of our State University.

The munificent donation of our late esteemed fellow-citizen, Dr. Terrell, though liberal has been unequal to the requirements of a full endowment for the Agricultural Professorship, we have been strongly impressed with the importance of providing for this branch of education, which our State has to a degree been liberal in the promotion of trade, the industrial Mechanic arts and letters, as yet but little has been done towards a cultivated and enlightened system for developing our agricultural and planting interests, towards a liberal scheme for the diffusion amongst our people of scientific information upon the subject of farming, and the application of manures and fertilizing agents.

To secure the two ends of theory and practice necessary to be accomplished in a school where the basis of the farmer's habits of thought and action are to be laid where study is to be given a practical direction, towards acquaintance with the requirements of profitable husbandry.

Your committee have concluded that the Terrell professorship ought to be fully endowed, and that the sum of ten thousand dollars, (\$10,000) ought to be set apart by the General Assembly in such form as may seem most advisable as a fund for this purpose.

While education in the present age is widening to a great extent the field of speculative enquiry, yet there is a very general desire for practical results for the fruits and appliances of study, for the shape and texture of thought.

Its votaries mingle in the every day affairs of life, the secluded retirement of the scholar no longer commands for his opinions the worshipful deference of past ages—the age is one eminently active in the application of great principles to the production of wealth, comfort and elegance, and calls for a mixed system of science and art, of principle and practice.

Your committee are of the opinion that the Law professorship, which has thus far been considered an honorary appendage to the College, ought to be placed upon such a footing, as to make it a valuable, though somewhat separate department of the College; this professorship, in the judgment of the committee, needs no endowment.

Besides these various matters conneted with the University, there are others of immediate, pressing necessity.

The College Library, which from small beginnings, has at length attained a size and magnitude, claiming respectable competition with many of the best American colleges, amounting to the sum of many thousand volumes, estimated at thirty to forty thousand dollars, has become too large for the present building; to preserve these valuable stores of thought it is indispensable to have a much larger building. Your committee recommend the appropriation of the sum of twenty-five thousand dollars for the erection of such a building, embracing an upper and lower story, the lower to be devoted to the purposes of a Library, the upper to be divided into Professors' Halls or Lecture Rooms. Such halls are much needed at the University, indeed their want is felt and appreciated by all who visit the Institution or who take an interest in any enlarged plan for imparting instruction.—The present Library building, which is a small but substantial brick edifice, ought of course to be left, to supply in part, the long felt wants of the University for Lecture rooms, or perhaps it might be converted into a Laboratory for the Professor of Chemistry or Agriculture.

That the great and able State of Georgia should have a

school approaching as nearly as practicable the true theory of a University is a proposition which should, and does at once command the approbation of the thinking minds and patriotic hearts of her enlightened Legislators.

Appealing from this venerable school of learning to the minds and hearts of her chosen Representatives for a more full and perfect establishment, the claims of the College rest upon the following several solid and substantial grounds; amongst many others it is situated at a point in our State remarkable for the healthfulness of its location; the tone and character of the population in whose midst it is located is admirable for such an institution; the great advancement it has made in its material progress as well as its high character for imparting instruction.

The property now connected with the College at a moderate estimate amounting to little, (if any thing,) short of two hundred thousand dollars, perhaps more, And the University call with a just pride point to her sons as to her jewelry, adorning the Pulpit, the Bench, the Bar, our own and the halls of legislation of neighboring States and the Union, an ornament to the burdens of public trust, and a source of sincere congratulation to their Alma Mater.

To meet these large demands upon the Legislative bounty of the State, your committee have not been unmindful of the burden of taxation which their liberal appropriations might seem to call for, and have accordingly given their investigations such a direction as to make these appropriations scarcely, if at all, to be felt by the people.

The Western & Atlantic Rail-road, as your committee believe, ought to be made to bear the expenses of our systems of public education, and we recommend that these endowments and appropriations should be directed to be paid out of the nett proceeds of that Road, which your committee have no doubt will, during the present year, be amply sufficient to meet the estimates in this report.

All of which is respectfully submitted.

R. McMILLAN, Chairman.

Mr. Peebles moved that one hundred and twenty copies of the report be printed, which motion was lost.

On motion the rules were suspended, and Mr. Swinney reported a bill to incorporate the town of Weston; which was read the first time.

Mr. Beasley reported a bill to authorise the Justices of the Inferior Court of Troup county to levy an extra tax for the years 1856 and 1857, for the purpose of building a Jail in said county; which was read the first time.

The Senate took up the report of the committee of the whole on a bill to relieve executors and administrators from the necessity of publishing notices of sale of insolvent papers in one of the public gazettes in this State; the report of

the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise Jesse L. Ball a minor of the county of Stewart to be an heir-at-law of William Carter of said county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the line between the counties of Fayette and Spalding; the report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to repeal an act to require the Receivers of Tax Returns in the several counties of this State to ascertain the number of children in their respective counties between the ages of eight and sixteen years, and for other purposes therein named, approved February 18th, 1854; and to prescribe the mode of returning the same.

On motion of Mr. Peeples the same was referred to a Select Committee.

The committee appointed by the Chair are Messrs. Peeples, McMillan, Moore of Lincoln, Wingfield and Dabney.

The Senate took up the unfinished business of yesterday, which was the consideration of the report of the committee of the whole on a bill to compel persons owning lands out the county where they reside to give in their numbers, district and county where the lands lie.

The Select Committee to whom the same was referred offered the following as a substitute for the original bill, to-wit:

An act to compel and require persons owning land in this State out of the counties in which they reside, to give in the numbers of the same, and the county and district in which it was situated at the time it was granted, and for other purposes therein mentioned.

Sec. 1st. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this act all persons owning land in this State, lying in the counties in which they do not reside shall be compelled when they give in their taxes to state the number, district and county in which it was located at the time it was granted, unless he shall swear that he has made diligent search for his title and is unable to find it, or to state its number.

Sec. 2nd. *And be it further enacted,* That it shall be the duty of the Receiver of Tax Returns in the several counties in this State, to make special enquiry of all persons when they give in their taxes as to the location of their lands, and he shall enter upon his digest the number, county and district in which said land is situated.

Sec. 3d. *And be it further enacted,* That all laws militating against this act be, and the same is hereby repealed.

Mr. Knight moved to amend the same by inserting after the word "county" in the 1st section the following, "in the several counties surveyed by the State, and the boundaries, and to whom granted in the counties of this State, where the land is taken up by head right"; which motion was agreed to.

Mr. Wellborn moved to insert the word "section" after the word "district," in the bill; which motion was agreed to.

Mr. Cone of Bulloch moved to strike out of the 1st section the words "lying in the counties in which they do not reside;" which motion was lost.

Mr. Pope moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded, and are yeas 32, nays 50.

Those voting in the affirmative are Messrs. Beall, Billups, Brown of Baldwin, Brown of Gwinnett, Carlton, Colbert, Cone of Bulloch, Dixon, Dupree, Guerry, Hardeman, Harris of Taliaferro, Maddux, Marshall, Matthews, McCrimmon, McIntosh, Moody, Moore of Lincoln, Moreland, Murphy, Patterson of Jefferson, Peeples, Pharr, Pope, Robinson, Rudisill, Scott, Spalding, Turner, Wales and White.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Beasley, Bloodworth, Brice, Camden, Cannon, Cantrell, Causey, Chastain, Coffee, Cone of Greene, Crowder, Dabney, Dunnagan, Gray, Gordon, Grant, Hale, Hamilton, Harris of Worth, Hays, Hill, Jamison, Knight, Lawton, Lott, McDonald, McGuire, Moore of Colb, Morris, Murray, Patterson of Gilmer, Paulk, Ponder, Poole, Ragan, Reddish, Renfroe, Sapp, Simms, Screven, Strickland, Studstill, Sumner, Swinney, Ware, Welborn and Whitaker.

So the motion was lost.

Mr. Hamilton moved to amend by adding the following as an additional section, to-wit:

That when any Tax Receiver of the several counties of this State fail or refuse to inquire of the person so giving in his, her or their Tax to inquire of the person so given in, as to their number or numbers, district and section, and in case of the Receiver of Tax Returns failing or refusing to take down the number or numbers, district, section and county in time of survey such Receiver of Tax Returns shall forfeit one half of his commission for receiving such Tax Returns of his county, which amount shall be paid over to the County Treasurer, for county purposes where such Receiver resides, Provided, the same was not taken up by Head Rights; which motion was lost.

The substitute reported by the select committee as amended was agreed to, the report of the committee of the

whole as amended was agreed to, the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 48, nays 37.

Those voting in the affirmative are Messrs. Adams, Anderson, Ashe, Beasley, Bloodworth, Brice, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Greer, Dunnagan, Gray, Gordon, Grant, Hale, Hamilton, Harlan, of Worth, Hays, Hill, Jamison, Knight, Lawton, Lott, McDonald, McMillan, Moore of Cobb, Morris, Murray, Peterson of Gilmer, Paulk, Ponder, Poole, Ragan, Reddick, Renfro, Sapp, Simms, Strickland, Studstill, Swinney, Ware, Welborn, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Beall, Billups, Brown of Baldwin, Brown of Gwinnett, Calhoun, Colbert, Cone of Bulloch, Crowder, Dixon, Dupree, Gentry, Hardeman, Harris of Taliaferro, Hines, Maddux, Marshall, Matthews, McCrimmon, McIntosh, Moody, Moore, Lincoln, Moreland, Murphy, Patterson of Jefferson, Peoples, Pharr, Pope, Robinson, Rudisill, Shropshire, Screven, Spalding, Sumner, Turner, Wales and Wingfield.

So the bill was passed.

On motion of Mr. Lawton the reconsidered bill to authorize the investment of trust funds, in certain cases, was taken up and referred to a select committee.

The committee appointed by the Chair are Messrs. Lawton, Pope, Peoples, Hill and Simms.

The select committee to whom was referred a bill to organize a new Judicial Circuit out of the counties of Heard, Coweta and other counties, report the same back without any recommendation.

The special order was taken up, which was the consideration of the report of the committee of the whole on a bill to require the State Printer to cause to be reported the proceedings of the Legislature.

The report of the committee was agreed to, the bill was read the third time and passed, and ordered to be forthwith transmitted to the House of Representatives.

The Senate took up the report of the committee of the whole on a bill to authorize William Stroud, administrator de bonis non of Wm. H. Parker late of Clarke county, deceased, to settle with and pay off Sheffield H. Parker and heir-at-law of said estate, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Atkinson the bill in relation to the Mary's and Gulf Rail-road was taken up and referred to the committee on Internal Improvements.

On motion of Mr. Cone of Greene, Mr. Atkinson was added to the committee on Internal Improvements.

Leave of absence was granted to Mr. Wynn, for a few days, on account of indisposition.

On motion the Senate adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

- The Senate met pursuant to adjournment.

On motion of Mr. Harris of Worth, the rules were suspended and the Senate took up the report of the committee of the whole on a bill of the House of Representatives to confer certain rights and privileges on Charles R. Jarrett his heirs and assigns for the term of twenty-five years.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise persons owning, or who may hereafter own, lands on any water courses in this State to ditch and embank the same so as to protect said lands from freshets and overflows.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of James M. Mitchell of the county of Muscogee.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the name of the Augusta and Waynesboro' Rail-road to the Augusta and Savannah Rail-road, to amend the charter of said Company, and for other purposes; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal an act to reduce the fees of the several Tax Collectors hereafter to be elected for the county of Liberty, and for other purposes therein named.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Judges of the Inferior Courts of the counties of Liberty and McIntosh, to appoint a competent Surveyor from their respective counties, to properly run out and define the dividing line between said counties.

The select committee to whom the same was referred, reported the following amendment, which was agreed to, to-wit: "strike out all after the word counties in the 1st

section." The report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise Charles Cowart of the county of Clinch, and Harman N Sapp of the county of Lowndes, to vend goods, wares and merchandise within said counties.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to make final disposition of the assets of the Central Bank and for other purposes.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Atlanta Gas Company.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to appropriate a sum of money to remove obstructions from the Big Satilla river, and to render the same navigable for timber, rafts, lumber, wood and other produce thereon.

Mr. Camden moved the previous question, which being seconded, the main question was ordered to be then put, and was decided in the affirmative; and the report of the committee was agreed to; the bill was read the third time, and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 42, nays 39.

Those voting in the affirmative are Messrs. Adams, Ashe, Beall, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Calhoun, Camden, Cannon, Carlton, Causey, Chastain, Coffee, Dabney, Hardeman, Harris of Taliaferro, Harris of Worth, Hines, Jamison, Knight, Lawton, Lott, Matthews, McCrimmon, McDonald, Moody, Murphy, Patterson of Gilmer, Paulk, Ponder, Reddish, Renfroe, Robinson, Sapp, Shropshire, Screven, Smith, Spalding, Studstill, Sumner and Whitaker.

Those voting in the negative are Messrs. Allred, Beasley, Brown of Gwinnett, Buchanan, Cantrell, Colbert, Cone of Greene, Dixon, Dupree, Guerry, Hale, Hamilton, Hill, Howell, Maddux, Marshall, McGuire, McIntosh, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murray, Peeples, Pharr, Poole, Pope, Ragan, Rudisill, Simms, Scott, Strickland, Swinney, Turner, Wales, Ware, Welborn, White and Wingfield.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of Mary F Durand, wife of Samuel Durand of the town of LaGrange, county of Troup, and Martha E. Alford of the county of

Troup, and also for Malinda Davis of the county of Fulton.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate certain persons under the name and style of the Columbus Iron Works Company.

Mr. Cone of Greene moved to amend the 6th section by striking out all after the enacting clause, and inserting the following in lieu thereof, to-wit:

That the members of said corporation shall be liable for the debts of the same in the same manner, and to the same extent as in ordinary copartnerships.

The amendment was agreed to; the report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion of Mr. Billups, the Senate took up the report of the committee of the whole on a bill to incorporate a bank in the town of Madison, to be called the Bank of Madison.

On motion of Mr. Billups, the same was amended by striking out the 18th and 19th sections, and inserting the following, to-wit:

That no one shall subscribe for, own or purchase stock in said bank, unless he or she be a citizen of Georgia. The private or individual property of each stockholder, as well as their joint property, shall be pledged for the redemption of the bills of said bank, and for the payment of all the debts and liabilities of the same; and when any judgment shall be obtained against said bank, and execution issued thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same, and if the proceeds thereof, shall be insufficient to pay off said execution, and the return of said officer of no corporate property shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any stockholder or stockholders, and sell the same until an amount is raised sufficient to pay off said execution, each stockholder only to be liable to the amount of his stock, and that any stockholder who pays off any such execution or part thereof, shall have the right to use and control the same *fi fa* against all the other stockholders, so as to collect the rateable share out of each of them.

On motion of Mr. Peeples, the same was further amended by adding the following as an additional section, to-wit:

The persons and property of the stockholders in said bank shall be pledged and bound in proportion to the amount of the shares that each individual or company may hold in the same, for the ultimate redemption of said bills or notes issued by or from said bank during the time he, she or they may have held such stock, in the same manner as in common commercial cases or simple cases of debt.

The report of the committee was agreed to, the bill was read the third time, and upon the question, 'Shall this bill

now pass?" the yeas and nays were required to be recorded, and are, yeas 48, nays 21.

Those voting in the affirmative are Messrs. Ashe, Beasely, Billups, Brice, Brown of Gwinnett, Buchanan, Calhoun, Cantrell, Coffee, Cone of Greene, Dixon, Dupree, Gibson, Hardeman, Harris' of Taliaferro, Hays, Hill, Hines, Lawton, Lott, Maddux, Marshall, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Lincoln, Morris, Murphy, Murray, Patterson of Gilmer, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Robinson, Rudisill, Sapp, Simms, Screven, Swinney, Turner, Wales, Wellborn and Whitaker.

Those voting in the negative are Messrs. Allred, Beall, Bloodworth, Brown of Calhoun, Cannon, Causey, Gray, Griffin, Hale, Hamilton, Howell, McCrimmon, Moreland, Paulk, Reddish, Renfro, Shropshire, Smith, Sumner, Ware and White. So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to incorporate Holmesville Lodge No. 194 of Free and Accepted Masons of the town of Holmesville, Appling county. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to prescribe the order of descent and succession of the estates of illegitimate persons who die intestate.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to reduce the number of Jurors required for coroner's inquests in the county of Chatham.

Mr. Cone of Greene moved to amend by striking out the words 'Chatham' and inserting the words 'this State;' which was agreed to. The report of the committee was agreed to; the bill was read the third time and passed under the following title, to-wit:

An act to reduce the number of Jurors required for coroner's inquests in this State.

The Senate took up the report of the committee of the whole on a bill to incorporate White Path Gold and Copper Mining Company of North-Western Georgia.

Mr. Cone of Greene moved to amend by adding the following as an additional section, to-wit:

That the members of said corporation shall be liable for the debts of said corporation and company in the same manner and to the same extent as ordinary co-partners: which motion was agreed to.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Justices of the Inferior Court of the county of Catoosa to levy an extra tax for county purposes.

On motion of Mr. Murray, the same was amended by striking out the words "one hundred per cent" and inserting the words "fifty per cent."

On motion of Mr Ware the same was amended by inserting the word "Polk county."

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole, on a bill for the relief of Spencer Caldwell of the county of Clay.

The report of the committee was agreed to; the bill was read the third time and passed.

On motion of Mr. McGuire the Senate took up and read the following bill, to-wit:

A bill amendatory of an act incorporating Rome, passed December 29th, 1847.

The Senate took up the report of the committee of the whole on a bill to allow trustees to make returns to the court of Ordinary.

On motion of Mr. Pope the same was amended by adding the following, to-wit:

That it shall be the duty of all trustees within three months after the trust property comes within their possession, to return to the Court of Ordinary of the county where they reside, an inventory of all the trust property in their hands received by them, which shall be recorded under the same regulations as the Inventories of Administrators and Executors.

The report of the committee as amended was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House, to submit the question of removal of the Court House of Macon county to the people thereof.

Mr Swinney moved to amend the same by striking out all after the words "said county" in the 2d section, and substituting the following in lieu thereof, to-wit:

"To negotiate for the new site elected, if in their judgment the same would be best for the interest of the county, to contract for the building of a new Court House and Jail, and to do whatever may be necessary for the completion of the same; which motion was agreed to.

The bill as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to alter and amend the 18th and 19th sections of the 1st article of the constitution of the State of Georgia.

The report of the committee of the whole was agreed to,

the bill was read the third time, and on motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill of the House, to incorporate Columbus Fire Company, No. 4.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to make and constitute Amistatia Lorentine Horn of the county of Bibb, a sole trader.

Mr. Marshall offered the following as an additional section; which was agreed to, to-wit :

And be it further enacted, That Ann McDaniel, the wife of John McDaniel of the county of Talbot, be and she is hereby authorized to carry on business on her own account, to purchase, hold and dispose of property in her own name, and for her own sole purpose, and to sue and be sued, as if she were a feme sole, and that all her present and future acquisitions shall be exempt from liabilities for debts, or contracts of her present or future husband, and not subject to his control.

Mr. Allred offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That Sarah M. Norrill of the county of Pickens, be and she is hereby authorized to contract and be contracted with, to sue and be sued; defend and be defended, and to carry on business on her own account as as though she were a feme sole, notwithstanding her coverture, and that her business and acquisitions as a trader, or the products of her labor shall not be subject to the control or or contracts of her present or any future husband.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Cone of Greene, the following resolution was taken up, read and agreed to, to-wit :

Resolved, That the committee on banks be instructed to inquire what amount of money is due from the bank of Augusta to the State, for and on account of the stock of said bank owned by the State, being exempt from taxation, and report by bill or otherwise.

The Senate took up the report of the committee of the whole on a bill of the House, to amend an act to alter and amend the several judiciary acts now in force in this State, so far as relates to Justices Courts, and to extend the jurisdiction of Justices of the Peace in Fulton county.

The report of the committee of the whole was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House, to authorize the Justices of the Infe-

rior Court of Paulding county, to levy an additional tax on the State tax.

The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Bibb county orphan asylum; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until half past 7 o'clock, P M.

HALF-PAST SEVEN O'CLOCK, P M.

The Senate met pursuant to adjournment.

On motion of Mr. Hill. the rules were suspended and the Senate took up the following bill of the House of Representatives, to-wit:

The bill to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailers, Justices of the Peace and Constables of this State, which was read the first time.

On motion of Peebles the Senate took up the report of the committee of the whole on a bill of the House of Representatives, to change the residence of John W Darracott from the county of Warren to the county of Taliaferro.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on a bill of the House of Representatives, to authorize the Justices of the Inferior Court of Chatham county, to borrow money, and levy and collect an extraordinary tax for the building of a new jail for said county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to alter and amend an act entitled an act to carry into effect the amended constitution of this State, in reference to Ordinaries of this State, and for other purposes, assented to January 21st, 1852, so far as relates to the county of Tattnall; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on a bill of the House of Representatives, to be entitled an act for the relief of Joseph L. Robinson of the county of Appling; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives, to change the line dividing the counties of Coweta and Merriwether, also the line dividing Pickens and Cherokee, &c.

On motion of Mr. Allred the second section was stricken out.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to incorporate Sandy Run Academy in the county of Houston, and to appoint trustees for the same.

Mr. Swinney offered the following as an additional section which was agreed to, to-wit:

And be it further enacted, That the provisions of this bill be extended to Cool Springs Academy in the county of Wilkinson, and that Anderson Ingram, Willis Allen, John Gaaney, William F. M. Brown and Eli Sears be appointed trustees, and that said board of trustees have power to fill any vacancies which may occur in said board, either by death, resignation or otherwise.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, for the relief of Margaret Marchman, formerly Margaret Watson, of the county of Greene, and to change the name of said Margaret Marchman to that of Margaret Watson.

Mr. Buchanan moved to amend the same by striking out the second section, which was agreed to.

Mr. Bloodworth offered the following amendment, which was agreed to, to-wit:

“And that the provisions of this act shall apply to Wm. Meed of Haralson county.”

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives, to amend an act assented to 24th December, 1847. to incorporate the Muscogee Asylum for the poor; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives, to make Walter R. Youlles, formerly Walter R. Highsmith, son of Walter Youlles of the county of Wayne, the lawful heir of the said Walter Youlles; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives, to amend the 10th division of the Penal Code.

Upon agreeing to the report, the yeas and nays were required to be recorded, and are yeas 19, nays 47

Those voting in the affirmative are Messrs. Brice, Brown of Baldwin, Crowder, Hardeman, Harris of Taliaferro, Harris of Worth, Howell, McCrimmon, McIntosh, Moreland, Patterson of Gilmer, Paulk, Ponder, Pope, Sapp, Simms, Spalding, Wales and Wingfield.

Those voting in the negative are Messrs. Allred, Beasley, Bloodworth, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Dunnagan, Gray, Gordon, Grant, Hale, Hamilton, Hays, Knight, Lawton, Lott, Matthews, McDonald, McGuire, Moody, Moore of Lincoln, Morris, Murphy, Murray, Peeples, Pharr, Poole, Ragan, Reddish, Shropshire, Scott, Screven, Strickland, Studstill, Swinney, Turner, Wellborn, Whitaker and White,

So the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House, adding an additional section to the Penal Code; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, incorporating Indian Spring male and Female Academies, and to appoint trustees for the same; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, incorporating Randolph College in Cuthbert, Ga.; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives, to exempt all persons over forty-five, from Patrol duty, and other purposes therein mentioned.

Mr. Poole moved to amend the same by striking out the first section—which motion was lost.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives, incorporating the Middle Ground Railroad—to provide for its organization, and for other purpose therein mentioned; the report was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

THURSDAY, FEBRUARY 14th, 1856.

The Senate met pursuant to adjournment.

Mr. Peeples moved to reconsider so much of the journal of yesterday as relates to the action of the Senate on a bill to appropriate money to remove obstructions from the Big Satilla River, and for other purposes.

Whereupon the yeas and nays were required to be recorded, and are yeas 25, nays 65.

Those voting in the affirmative are Messrs. Allred, Beasley, Brown of Gwinnett, Cantrell, Colbert, Crowder, Dixon, Dunnagan, Dupree, Gray, Guerry, Maddux, Marshall, McIntosh, Moore of Lincoln, Moreland, Peeples, Pharr, Poole, Simms, Scott, Wales, Ware and White.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Bell, Brice, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Cannon, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Dabney, Gibson, Gordon, Grant, Griffin, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hill, Hines, Howell, Jamison, Knight, Lawton, Lott, Matthews, McCrimmon, McDonald, Moody, Moore of Cobb, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Paulk, Ponder, Pope, Ragan, Reddish, Renfroe, Robinson, Rudisill, Sapp, Shropshire Screven, Smith, Spalding, Strickland, Studstill, Sumner, Swinney, Wellborn, Whitaker and Wingfield.

So the motion was lost.

On motion of Mr. Pope, so much of the journal of yesterday as related to the action of the Senate, on a bill to allow trustees to make returns to the Court of Ordinary, was reconsidered.

Mr Calhoun moved to reconsider so much of the journal of yesterday as relates to the action of the Senate on a bill of the House, to amend and act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts, and to extend the jurisdiction of Justices of the Peace in Fulton county, which was agreed to.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole, on a bill "to incorporate a bank in Savannah, to be called the Timber Cutter's Bank."

Mr. Cone of Bulloch moved to fill the blank in the 2nd section, with the names of Wm. H. Rawles, Hardy, B, Hodges and John Deloach; which motion was agreed to.

Mr. Cone of Greene offered the following as a substitute for the 11th section, which was agreed to, to-wit:

And be it further enacted by the authority aforesaid, That two-thirds of said stock in said bank, shall be owned at all

times by citizens of Georgia. The private and individual property of each stockholder, as well as their joint property, shall be liable for the redemption of the bills of said bank, and for the payment of all the debts and liabilities of the same; and when any judgment shall be obtained against said bank, and execution issue thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same; and if the proceeds thereof shall be insufficient to pay off said execution, and the return of said officer of no corporate property, shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any stockholder or stockholders, and sell the same until an amount is raised sufficient to pay off said execution, and judgment obtained against said bank by any creditor, shall not only bind the property of said bank, but shall also bind the individual property of each stockholder, without the necessity of bringing any suit against the stockholders, and service of a copy in substance of the declaration and process upon the President, or Cashier of said bank, shall be adjudged sufficient service and notice, both of said bank and each stockholder therein, to render the property of said bank, and the individual property of each stockholder therein, subject and liable for the payment of any judgment which may be rendered against said bank, each stockholder to be liable for the entire amount of the indebtedness of said bank, in proportion to the amount of his stock, and that any stockholder who pays off any such execution, or part thereof, shall have the right to use and control the same *fi fa* against all the other stockholders, so as to collect the rateable share out of each of them.

Mr. Cone of Green offered the following as an additional section, which was agreed to, to-wit:

"It shall be the duty of the President and Cashier, within six months after said bank goes into operation, to make out a statement of the condition of said bank, and a list of its stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of assets of said bank and the kind and character of the funds of which it is composed, and also the amount of indebtedness of said bank, and the character of said indebtedness, which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers printed in Savannah, for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for twenty days, shall cause a forfeiture of all the rights and privileges granted by this act.

Those who were stockholders of said bank at the time a list of the stockholders was advertised next before the failure of said bank to redeem its notes on demand, to pay any oth-

er debts on demand shall be held, considered and taken as stockholders at the time of such failure, and shall be liable as stockholders according to the provisions of this act, and shall be liable to execution according to the provisions of this act.

The report of the committee of the whole as amended was agreed to; the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 57, nays 24.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Beall, Beasley, Brice, Brown of Baldwin, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Gibson, Grant, Hardeman, Harris of Taliaferro, Hays, Hill, Hines, Jamison, Knight, Lawton, Lott, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Morris, Murray, Newton, Patterson of Gilmer, Peeples, Ponder, Poole, Pope, Ragan, Robinson, Rudisill, Sapp, Simms, Screven, Studstill, Sumner, Swinney, Turner, Wales, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Bloodworth, Brown of Calhoun, Dabney, Dunnagan, Gray, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Worth, Howell, Maddux, Marshall, Moreland, Reddish, Renfroe, Shropshire, Smith, Strickland, Ware and White.

So the bill was passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bill, to-wit :

A bill to be entitled an act to authorise the building, opening and constructing a rail-road from some point in the county of Union or in the county of Fannin, which may be agreed upon by the Directors of said rail-road or a majority of them hereinafter mentioned, running up the valley of Little Hightower river in the county of Union, to connect with the North-Eastern Rail-road (now contemplated) in the county of Rabun or Habersham, or with some other Rail-road or contemplated Rail-road; and to grant corporate powers and privileges to the same.

A bill to be entitled an act to confer certain privileges upon R. H. Lampkin of the county of Greene, and to make lawful his acts; and to give him authority to transact business as though he were of full age.

A bill to be entitled an act to change the line between the counties of Taylor and Marion, so as to include lots of land No. 243 in the third district, and 33 in the twelfth district, now in the county of Marion in the county of Taylor.

A bill to be entitled an act to alter an act entitled an act to amend an act to regulate the weighing of cotton and

other commodities in this State, approved February 7th, 1854; and for other purposes.

Mr. Guerry from the committee on enrollment reported as duly enrolled and ready for the signature of the President of the Senate,

An act to change the lines between several counties therein named, and for other purposes. Also, to make legal the election of James Bush to the office of Ordinary of Early county, and William Griffin of Calhoun county, and to legalise the acts of John J. Pilcher, Deputy Ordinary of the county of Warren.

Also, an act to incorporate the Union Coal and Iron Company of Georgia, Georgia Coal Mining Company and Pocahontas Mining Company.

On motion of Mr. Dunnagan the rules were suspended and the Senate took up the report of the committee of the whole on the following bill, to-wit:

A bill to authorise the Gainesville and Chattahoochee Ridge Rail-road Companies to consolidate their charters and to make them uniform, and to increase and fix the amount of their capital.

Mr. Wingfield offered the following as additional sections, to-wit:

And be it further enacted by the authority aforesaid, That Albert O. Mosely, Edmond Reid, Henry M. Trippe, Irby Scott, Josiah Boswell, William D. Terrell, James McKenzie, John A. Cogburn, William Paschal and such others as they may associate with, and their successors and assigns be and they are hereby constituted and declared a body corporate and politic by the name and style of the Eatonton & Madison Rail-road Company, and in and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, may have and use a common seal, and the same to alter or destroy at pleasure; and may purchase, accept, hold, enjoy and convey any property, real personal or mixed, which may be necessary for the purposes hereinafter mentioned.

Be it further enacted, That said company shall have power and authority to survey, lay out and construct, equip, use and enjoy a Rail-road from the town of Eatonton in the county of Putnam, by the way of Monroe in Walton county to some point on the Chattahoochee Ridge near the Hog Mountain.

And be it further enacted, That the capital stock of said company shall be one million of dollars or so much thereof as may be necessary to equip and complete the work on said Road.

And be it further enacted, That the said company may at any time unite and incorporate with any other Rail-road Company and be merged in the same upon such terms as

may be agreed on between the same and any other such company.

And be it further enacted, That books of subscription may be opened in any town, city or place that may be deemed advisable by a majority of the corporators at such times as they may determine on.

And be it further enacted, That the provisions of the act incorporating the Central Rail-road and Banking Company, and the several acts amendatory thereof shall apply to and become the corporate laws of said company.

And be it further enacted, That said Company shall commence operations in five years, and complete the same in ten years to the town of Madison, or the charter shall be forfeited. The report of the committee of the whole as amended was agreed to; the bill was read the third time and passed under the following title, to-wit:

A bill to authorise the Gainesville and Chattahoochee Ridge Rail-road Companies to consolidate their charters, and to make them uniform, and to increase and fix the amount of their capital; also to incorporate the Eatonton and Madison Rail-road Company.

On motion of Mr. Calhoun, the Senate took up the following reports of the majority and minority of the Committee on the Atlanta Bank.

The Special Committee to whom was referred the returns of the Atlanta Bank to the Executive Department; and also other matters connected with said bank, submit the following report:

The bank was incorporated on the 27th day of January, 1852, and John F. Mims, William Ezzard, E. W. Holland, J. O. McDaniel, Clark Howell, J. Norcross, B. O. Jones, J. A. Hayden, Richard Peters, William M. Butt, Lemuel P. Grant, Ezekiel Mason, James A. Collins, Joseph Winship, Barrington King, Willis P. Meniffee, C. W. Arnold, John D. Stell, T. M. Jones, N. S. Angier, James T. Humphreys, Stephen Terry, Joseph Thompson and J. F. Loyd were named as corporators, and such other persons as they might procure to take stock.

This bank was located in Atlanta and its charter was to continue until the 1st day of January, 1872.

The second section of the charter provides that the capital stock of the bank shall be \$300,000, to be divided into three thousand shares of one hundred dollars each and apportioned among the aforesaid stockholders.

The third section provides that there shall be elected by the stockholders, not less than five Directors as soon as gold and silver coin to the amount of twenty thousand dollars of the subscription of said stock shall have been received.

The fourteenth section of the charter is in the following words: "The Atlanta Bank shall be permitted and are hereby

authorised to issue bills or notes of credit, payable to bearer on demand, signed by the President and countersigned by the Cashier; but the total amount of debts which said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not at any time exceed *three times the amount of the capital stock actually paid in*—and in case of excess, it shall be the duty of the President and Cashier to notify the Governor in writing of such excess, upon the receipt of which it shall be the duty of the Governor to issue his proclamation declaring the charter of said bank forfeited in consequence of said excess, and calling a majority of the stockholders, who shall have power and authority to adopt such measures as may be deemed prudent and effectual in bringing the affairs of said corporation to a speedy close.—But said bank shall issue no bills or notes or checks until *one hundred thousand dollars* of the capital stock have been actually paid in specie.”

These are all the provisions of the charter which your committee deemed it necessary to consider in order to come to a correct conclusion in relation to the matters submitted to them.

The last Legislature passed a resolution instructing the Governor to cause the Solicitor General of the Coweta circuit to make certain inquiries in relation to the Atlanta bank, and to make report to him; and in obedience to that resolution, L. E. Bleckley, Esq. the Solicitor General of the Coweta circuit, made such inquiries and has obtained such knowledge as he was enabled to do in relation to the affairs of the Atlanta bank and reported the same to the Governor; and from that report and the returns of the officers of said bank to the Executive Department, a knowledge of most of the facts stated in this report are derived.

The evidence of the Hon. William Ezzard as given to Mr. Bleckley, states substantially that he was appointed Commissioner by the corporators to receive subscriptions for stock in the month of June, 1852; and that the books were kept open from that time, and no stock was taken until about the fifth day of March, 1853. About that time a man appeared in Atlanta by the name of George Smith, and on the fifth of March of that year he went to Judge Ezzard at Decatur and subscribed for two thousand nine hundred and ninety-one shares in his own name, and one share each in the names of Patrick Strahan, William D. Scott, George Menzies and Alexander Mitchell, all non-residents of the State and unknown to Judge Ezzard. Two days afterwards the remaining five shares were taken by Joseph Thompson, J. A. Harsden, J. Winship, John Norcross and N. C. Angier, citizens of Atlanta. It is proper to remark that these subscriptions were made by said Smith with the approbation and consent and at the request of a part of said corporators.

And on the 7th of March, Smith, together with the five persons residing in Atlanta, who subscribed for one share of stock each, held an election for Directors, when Smith and the four non-resident subscribers were elected Directors.

Neither Smith nor anybody else paid any amount in *gold or silver coin* to Judge Ezzard, the Commissioners or to any one else for and on account of said subscriptions to stock, nor was any money received in gold and silver coin, or in anything else, for and on account of said bank previous to the election of Directors as aforesaid. At the time George Smith subscribed the two thousand nine hundred and ninety-one shares for himself, and the four shares for the non-residents as aforesaid, he drew a bill of exchange on some house in New York for twenty-one thousand dollars payable in gold, which draft was unaccepted and unendorsed. This draft was forwarded to New York on the 7th of March 1853, the very day upon which the election for Directors took place. Judge Ezzard says that he subsequently received information that that amount of money had been placed to the credit of the Atlanta bank; but whether it was so in fact he does not know; but one thing is certain—that the money was never received by him or any other person in Atlanta for the bank. All the stockholders for one share each as before stated, the committee believe were but were nominal stockholders, and that the whole stock really belonged to George Smith. He drew the bill of exchange for twenty-one thousand dollars, which was intended as a payment of seven dollars per share upon the whole three thousand shares. None of the other subscribers for stock paid or pretended to pay anything. The whole stock therefore belonged to him.

Agreeable to the provisions of the second section of the charter, the stock was to be apportioned among the corporators named in the charter and your committee are of opinion that was a violation of the spirit and intention of the charter, that the whole of the stock should be taken by one individual and he not a resident of the State, or named as a corporator in the charter.

The third section of the charter authorised an election of Directors so soon as twenty thousand dollars of the subscription of stock shall have been received in gold and silver. The charter, to be sure, does not state by whom this money was to be received, but it evidently intended that it should be received by the person or persons authorised to receive subscription for stock, who in this case was Judge Ezzard. Indeed, this is the construction put upon the charter by Smith himself, as he delivered his bill of exchange to Judge Ezzard. No election of Directors could legally take place until this amount was paid in gold and silver; and as no such payment was made previous to the election of Directors, your committee are of the opinion that such election was a

violation of the charter, and conferred no powers upon the persons elected to organise the bank, elect its officers or do any other act connected with the same.

The attention of the committee was next directed to that provision of the charter which requires that "said bank shall issue no bills, notes or checks until one hundred thousand dollars of the capital stock had been actually paid in, in specie."

It is not an easy matter to ascertain when, where or by whom the bills of the Atlanta Bank were first put in circulation. Mr. Bleckley in his report says: "As already stated there were notes in circulation before the bank had an office in this city (Atlanta) and before any officer of the bank was here to issue them. Where this business was transacted, is known, so far as I am informed, only to those who were engaged in it."

Mr. J. Norcross, who was called upon by Mr. Bleckley for information, states as follows: "Perhaps I should have mentioned that in June, 1853, and *soon after*, I heard of some of the Atlanta bank bills being in circulation. Mr. J. R. Valentine, the Cashier, came to Atlanta, and has since resided here. Mr. S. C. Higginson soon after came and resides here." It is therefore satisfactorily proved that the bills of the Atlanta Bank were put in circulation before it had any place of doing business in Atlanta, or any President or Cashier there. Mr. Bleckley, for the purpose of ascertaining this fact and others of importance, on the 6th of February, 1855, addressed a note to the President and Cashier, requesting them to give information in relation to the organization and operation of the Atlanta bank; and they agreed to furnish such information. Mr. Bleckley accordingly propounded to them among others, the following interrogatories:

In 2d. When were you first appointed officers of said institution? What Directors were personally present and took part in making said appointment? Where did each of said Directors reside at the time? Where did you reside?— If not in Georgia, when did you come to the State?

In 6th. At the time of your said appointment, what amt. of gold and silver did said bank have in Atlanta; and in whose hands was the same?

7th. From whom and at what place did either of you receive the gold and silver belonging to the bank; and which had been paid in previous to your appointment? What amt was there, and when did you receive it?

In 8th: When and where were the first bills, notes and checks issued? What amount was then issued? How were they disposed of? What amount in gold and silver had then been paid in? and in whose hands and at what place was it at the time of issuing said bills, notes or checks?

In 9th. On what day was your banking office opened in

Atlanta? What amount of notes, bills or checks had been issued previous to that time?

On the 2d of June following, the President and Cashier made a communication to Mr. Bleckley, answering some of the interrogatories propounded to them: but failed and neglected to answer the interrogatories before recited.

On the 26th of June, Mr. Bleckley wrote to the President and Cashier, calling their attention to the fact that the 2d, 6th, 7th, 8th and 9th of the interrogatories were unanswered, and requesting them to answer these interrogatories if they had no special reason for withholding such answer. On the 29th of June the President and Cashier replied to Mr. Bleckley in the following note:

“Dear Sir—Yours of the 26th instant has been received. Our former communication embraced all the facts deemed important in relation to our ‘organization and mode of doing business’ which come within our personal knowledge.”

Now it is very evident that a large portion of the facts inquired about must necessarily be within the personal knowledge of the President and Cashier; and the character of the facts inquired about is such that your committee are wholly unable to divine any process of reasoning by which the President and Cashier could have come to the conclusion that the facts inquired about were not important to the investigation.

The committee are forced to come to the conclusion that the information was withheld for a very different reason; and if the interrogatories had been answered according to truth, facts would have been disclosed that would have shown a violation of the charter.

Your committee however are of the opinion that sufficient facts have been disclosed to prove that the provision of the charter under consideration has not only been violated; but that it was the intention of George Smith to violate it from the time he first subscribed for the stock.

Mr. Bleckley says in his report “that soon after the election of Directors as hereinbefore stated, Mr. Smith left Atlanta and returned to New York or the North-West.” And it does not appear from any evidence that he was in Atlanta after that time until some time in October.

Mr. John F. Mims, who was called on by Mr. Bleckley to give evidence in relation to these matters, makes among other things the following statement:

“In the Spring of 1853, Mr. George Smith gave me a check on Messrs. Strachan and Scott, New York, for ten thousand dollars, which check I remitted to them for my credit, and for which I gave said Smith a receipt. Some months after that I received a letter from Strachan & Scott, advising that an additional sum of ten thousand dollars had been placed to my credit by said Smith. When this fund

was deposited with me, it was understood that eventually I was to convert it into specie; and should any of the bills of the Atlanta bank, of which Mr. Smith had become the principal owner, be presented, they were to be redeemed; and after the remittance of the second \$10,000 credit; and after the bills of said bank appeared in circulation in the West, I was further instructed by Mr. Smith to draw on New York for any amount necessary for their redemption, should an amount be presented more than I had funds."

It will be observed that this first ten thousand dollar check was given to Mr. Mims in the Spring of 1853, and the other ten thousand dollar credit was given some months after.— This arrangement therefore must have been made by Mr. Smith with Mr. Mims when he was in Atlanta and subscribed for the stock or in the month of March. The arrangements between Mims and Smith shows conclusively that Smith intended to issue bills on the bank without the one hundred thousand dollars being paid in in accordance with the provisions of the charter, or any other amount.— In fact, that he intended to issue them without having any place of transacting business in Atlanta, and without having any President or Cashier there. This arrangement also proves that the bank had no specie in Atlanta, and no place there for the redemption of its bills. For Mr. Mims says that Smith instructed him that if the bills of the bank were presented for a greater amount than he had funds in hands for their redemption, to draw on New York for the amount.

This last instruction was given after the bills had made their appearance in circulation in the West.

Your committee therefore think it clearly proven that bills were in circulation before one hundred thousand dollars were paid into the bank in specie, or before any other amount was paid in. For your committee are of opinion that as the bank was located in Atlanta, and its bills all redeemable there, that the specie must be paid into the bank in Atlanta. Otherwise, this provision of the charter is not complied with. But your committee think they have other and further evidence upon this point.

Mr. Norcross states that the Cashier arrived in Atlanta in June, and that soon thereafter, the President arrived also. It is not probable therefore that they would have had time to commence business before the 9th day of June, and your committee conclude from the best information they have that that is the very day upon which they did commence business. This, therefore, was the first day upon which they were authorised by the charter to do business, provided the one hundred thousand dollars were paid in.

On that day they made out a statement of the bank, which was sworn to on the 2d of July, 1853, and returned it to the Executive Department.

From this return it appears that the bank had in circula-

tion on that day one hundred and seventy-nine thousand dollars, and that it had in specie forty-one thousand six hundred and fifty-seven 39-100 dollars.

As this was the first day of transacting business in Atlanta, it was incumbent on them, in order to comply with the provisions of the charter, that there should then be one hundred thousand dollars in the bank in specie. From the sworn statement of the President and Cashier, no such amount was there.

When, where, and by whom this amount of one hundred and seventy-nine thousand dollars was put in circulation, your committee have no means of ascertaining, as the President and Cashier have declined giving that information; but one thing is certain, that it was put in circulation before one hundred thousand dollars was paid in in specie, according to the provisions of the charter, or before any other amounts was paid in in specie.

Your committee therefore are forced to come to the conclusion that this provision of the charter has been violated by said Smith, and by the President and Cashier of said bank, and that the same has been violated, and that said Smith intended to violate the same at the time he subscribed for the stock to said bank.

The next provision in the charter to which your committee have turned their attention, is that which requires "that the total amount of debt which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed three times the amount of capital stock actually paid in."

By the aforesaid return, they state that there has been paid in the amount of one hundred and eleven thousand dollars of capital stock. Now one hundred thousand dollars of this stock must be paid in in specie before they could commence business. And as they commenced business on the 9th of June, or about that day, they should have then had the one hundred thousand dollars on hand. But they show by their return that they had but forty-one thousand six hundred and fifty-seven dollars and thirty-nine cents.—And your committee believe that was all the capital stock that was then paid in, if indeed that amount was paid.

The bank on that day owed one hundred and seventy-nine thousand dollars for its circulation besides its other debts, as will appear by said return. This is more than three times the amount of capital stock actually paid in, as appears by the aforesaid statement verified by the oath of the President and Cashier.

Your committee therefore has no hesitancy in saying that this provision of the charter has been violated, and that too, knowingly and wilfully.

Looking at all the evidence before the committee, and all

the circumstances connected with the bank, they feel that they cannot speak in terms of too great severity of George Smith and of the President and Cashier, though the conduct of the two latter persons may be somewhat mitigated from the fact that they are acting under the instruction of said Smith, and from their position must be subservient to his will. Such wilful violation of the provisions of the charter of this bank and of the criminal laws of our State, require a prompt and severe vindication. The security of the rights of the citizens of our own State and of the North-Western States alike demand it. Our law has made ample provision for the punishment of officers of banks who violate their charters.

The 27th and 28th sections of the 6th division of the Penal Code declares that any President, Director, or other officer of any chartered bank in this State, who shall violate or be concerned in violating any provision of the charter of said bank, shall be guilty of a high misdemeanor, and on indictment and conviction thereof, shall be punishable by imprisonment and labor in the Penitentiary for a term not less than one, nor longer than ten years.

"Every President, Director or other officer of any chartered bank in this State, shall be deemed to possess such a knowledge of the affairs of the corporation as to enable him to determine whether any act, proceeding or omission is a violation of the charter."

It is with great reluctance that your committee have come to the conclusion that said George Smith and the President and Cashier have made themselves obnoxious to these provisions of the Code, but they are unable to escape from that conclusion.

In view of all the evidence and the facts connected with the organization and management of this bank, the committee recommend to the Senate the passage of the following resolutions:

That his Excellency the Governor be requested to issue his declaration declaring the charter of said bank forfeited for a violation of its provisions as contained in the fourteenth section of said charter.

That the Solicitor General of the Coweta Circuit be instructed and required to institute such legal proceedings against said bank as may be necessary and proper, for the purpose of having the charter of said bank adjudged, forfeited, and the privileges and franchises thereby granted reverted to the State.

3. That the Solicitor General of the Coweta Circuit be instructed and required to institute prosecutions on the criminal side of the Superior Court of Fulton county, against George Smith, a Director, and S. C. Higginson, President, and J. R. Valentine, Cashier of said bank, for a violation of

the 27th section of the 6th division of the Penal Code, and that he use such means and take such steps as may be legal and proper to cause said persons to be brought to trial and punishment.

FRANCIS H. CONE,
WM. P. BEASELY,
JAMES P. SCREVEN.

MINORITY REPORT.

Report of the Minority of the Senate, to whom was referred the Report of the Atlanta Bank, to his Excellency the Governor, &c.

The Senator from Fulton being unable to agree with the Majority Report, begs leave to submit a minority report.

He has read with care the Majority report, and regrets that the impressions made upon his mind by a careful perusal of all the reports of said bank, and the circumstances and evidences referred to our consideration, (if it can, in any just sense, be termed evidence,) will not enable him to agree with them in the conclusion to which they have arrived. In his opinion, there is no proof going to show any violation of the charter of said bank, and he most reluctantly and respectfully says they have nothing but *inference* to support their conclusions. He deems it not out of place to remark, that he was not appointed on the committee until after they had agreed upon their report. Of this he makes no complaint, but the fact shows he had no opportunity of presenting his views on the subject until they had agreed.

A joint resolution was passed by the last General Assembly, approved Feb. 17, 1854, requesting his Excellency the Governor to cause the Solicitor of the Coweta Circuit to inquire into and report to him the circumstances attending the organization of the Atlanta Bank, and also its mode and places of transacting business; and if upon report being made the Governor shall be of opinion that the charter of said bank has been in any wise violated, he was thereby requested to cause the proper proceedings to be had, for the purpose of having said charter declared forfeited.

In pursuance of this resolution, on the 5th of February, 1855, his Excellency the Governor issued an order requiring said Solicitor General to proceed to make such investigation and report to him. Accordingly, Mr. Bleckley, the Solicitor General, proceeded to make out said inquiry, and after making a most diligent and laborious inquiry of every one supposed to know any thing about it, on the 8th of July, 1855, submitted his report to his Excellency the Governor, together with all the so-called evidence upon which

said report was made. His Excellency had also had before him all the reports made to him by said bank. The report of said Solicitor, the evidence accompanying it, and the reports of said Bank, comprise all the information the committee has had before them. His Excellency examined all the evidence, and differing in opinion with a majority of your committee, but believing as the minority of the committee does, that there was no violation of the charter shown, declined to order any proceedings against said bank, and says upon that subject, in his annual Message to the present General Assembly: "In examining the report, I did not deem the irregularities in the organization of the bank, or the place or mode of its transactions to be of such character as to work a forfeiture of charter, and therefore I have not caused judicial proceedings to be instituted for that purpose." Thus it is seen that his Excellency, who had the very same facts before him that the committee had, came to a very different conclusion. It may also be justly urged that the bank did not have a fair chance in this investigation. It was *ex parte* entirely. The bank had no chance to examine or cross-examine witnesses, and the witnesses were not under oath, or confined in their statements to facts coming under their own personal knowledge; but as is shown by the examination, stated what they had heard from rumor, and did not know; and it is on these rumors or hearsays of unsworn persons the committee is forced to rely to justify the conclusions to which they have arrived. Every one knows how unfavorably to justice such investigations and mode of taking evidence are. It might also be forcibly urged that as the last General Assembly made it the duty of the Solicitor General to make this investigation, and report, and in as much as his Excellency, after its examination, refused to order proceedings against the bank, that a stop should be put upon all other proceedings, and that the bank should have repose. It has been fairly tried and acquitted, and ought not any longer to be harrassed, or its credit made the sport of its enemies. Nor ought the community in which it is located be any longer damaged by a privation of the advantages and facilities, which this war prevents it from extending to them.

This is the only bank in the city of Atlanta, a place of large population and extensive commerce, both of which are rapidly increasing. Banking facilities are greatly needed there. The destruction of this bank would cause immense damage to the merchants of that city, as well as the planters who sell their produce in that market. Before its establishment the current price of gold there was one and half per cent. It is now reduced to one half per cent. Before that it was difficult to procure exchange at all, and when obtained it was always upon a risk. Now it supplies any amount

of exchange wanted, and sells at that place upwards of half a million annually. It has built an excellent and safe banking house of granite, which supplies that community with a safe depository for money, and does receive large deposits for safe keeping. Considering the state of the times in which they have been in business, and the relentless war which has been prosecuted against it, it has discounted liberally to those conducting the commerce of the city. Every bill or draft sold by them has been promptly paid, and every bill issued has been redeemed promptly on demand in gold. It has redeemed in all near a million and a half of its bills, and is believed to be both willing and able to redeem all the bills which it has or may issue. It has been doing a large business for near three years, and not an individual has lost one cent by it. These facts show the great benefit it confers where it is situated, and the great loss to be sustained by its removal. The majority think the following provisions of the charter have been violated: First, the provision that the Directors shall be elected after twenty thousand dollars of the capital stock shall have been received; secondly, that the bank shall issue no bills until one hundred thousand dollars of the stock shall have been paid in specie; and thirdly, that the total amount of debts that the bank shall at any time owe shall not exceed three times the amount of capital paid in. The first point in matter of substance is of but little importance, because, even if the twenty thousand dollars were not paid in before the election of Directors, and nothing equivalent to it had been, no one could be injured by that, because no bill could be issued or other debt contracted until the one hundred thousand dollars were paid in. So this charge against the bank is merely technical and unsubstantial; and besides, the ablest council who could be had, advised that the check for gold which was delivered to one of the Commissioners, (Judge Ezzard,) was a substantial compliance with the charter, and the evidence also shows that the check was promptly paid in gold on presentation, and placed to the credit of the bank. The evidence also shows that George Smith was very far from wishing to violate the charter, for it shows that he told the Commissioners that if there was any doubt about it, he would go to Savannah immediately and get the gold, and pay it in. Three years and more have passed since that transaction; the complaint about it now is quite stale and old, and does not merit further consideration. As to the second point, that the bank should issue no bill, &c., until one hundred thousand dollars were paid in—I insist that there is no proof that any bills were issued before the amount was paid in in specie.—And the positive evidence given by the President and Cashier is that no bills were issued until this amount was paid in. They say that on the 5th of March, 1853, twenty-one

thousand dollars were paid in, which shortly afterwards was converted into gold as already shown, and that on the 16th of April, 1853, ninety thousand dollars were paid in in gold, and at that time no notes, bills or checks had been issued by the institution, and that ninety-nine thousand dollars were paid in on the 19th of July, 1853, and that ninety thousand dollars were paid in on the 29th September, 1853, which covered the whole capital stock of the bank, of three hundred thousand dollars. The evidence relied on to rebut this is the statement of Gen. Mims, that some bills were circulating in the West, which he did not see and at a place where he had never been, and notwithstanding he was authorised to redeem bills, none were ever presented to him, and a statement of Mr. Norcross that he heard of some bills before the officers arrived, but which he never saw. And as to the next point, that the bank shall not issue more than three times the amount of the capital paid in, I say that there is not one particle of proof that they ever did owe at any one time more than three times the amount of capital paid in.—The positive evidence of the officers is to the contrary. Many other facts might be referred to in vindication of the bank against the charges made against it, which appear on the evidence, if time admitted; but it is believed that enough has been shown to prove there has been no violation of the charter, and to show the just conclusion to which the Governor came upon examination of all the evidence.

In conclusion, it may be proper to state that at the place where it is located, the bills of this bank are received by all the rail-road companies terminating there, by the bank agencies there, and by the merchants and community generally in that neighborhood, where the officers and persons interested in the bank, and its mode of doing business and complying with all its obligations to the public, and all the facts touching its organization are best known.

All of which is respectfully submitted.

JAMES M. CALHOUN.

Mr. Nichols moved to postpone the same indefinitely together with the resolution of the Senate in relation thereto, and moved the previous question, which being seconded, the main question was then ordered to be put, and upon the motion to postpone indefinitely, the yeas and nays were required to be recorded and are yeas 55, nays 28.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Beall, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Carlton, Causey, Chastain, Coffee, Crowder, Dabney, Dunningan, Dupree, Gordon, Griffin, Hale, Hardeman, Hays, Hill, Howell, Jamison, Knight, Lott, Matthews, McCrimmon, McDonald, McMullan, Moody, Moore of Cobb, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer,

Paulk, Peeples, Poole, Rudsill, Sapp, Shropshire, Simms, Spalding, Sumner, Wales, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Beasley, Cantrell, Dixon, Gray, Gibson, Grant, Guerry, Hamilton, Harris of Taliaferro, Harris of Worth, Maddux, Marshall, McGuire, McIntosh, Moore of Lincoln, Moreland, Pharr, Ponder, Pope, Ragan, Screven, Strickland, Studstill, Swinney, Turner, Ware and Wingfield.

So the motion prevailed.

On motion of Mr. Pope the Senate took up the following bill of the House of Representatives, and read the same a second time, to-wit :

A bill to be entitled an act for the relief of Mary W. Gresham, formerly Mary W. Triplett, of Wilkes county, and to change the name of said Mary W. Gresham to that of Mary W. Triplett.

On motion Mr. Patterson of Jefferson was granted leave of absence for a few days.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and proceeded to the regular order which was the consideration of the report of the committee of the whole on the bill to expedite the trial of cases at Law and Equity in the Courts of this State.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the Road laws of this State, to punish persons injuring mile posts and direction boards, and Clerks for neglect of duty.

Mr. Poole moved to amend the second section by adding the following, to-wit :

"It shall be the duty of the overseer on each road to attend to, and keep up such direction boards, and should any expense accrue in keeping up said direction boards or posts, the same shall be paid out of the county funds"; which motion was agreed to; the report of the committee as amended was agreed to, the bill was read the third time and lost.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary :

Mr. President : I am directed by the Governor to transmit to the Senate a communication in writing with accompanying documents :

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., February 13th, 1856. }*To the Senate :*

Two bills, with the following titles respectively, one, "for the relief of William I. P. Phinazee, of the county of Monroe, and Hugh Brewster and his minor ward, Gabriel L. Hudson of the county of Coweta;" the other, "for the relief of David A. Walker of the county of Harris, a minor in the twenty-first year of his age," have been presented to me for Executive sanction. I herewith return them to the Senate in which they originated with my reason for reluctantly withholding my official signature.

Our law, sanctioned and approved by the wisdom of ages and civilized governments, fixes the age of twenty-one years, as the proper period of legal manhood—the age, at which men shall be able to contract and be contracted with, sue and be sued, and wards, capable of settling with and receiving their estates from their guardians.

Hence, when this sound general rule is to be dispensed with, in a particular case, some reason should be shown which will make it a well founded exception.

Local and partial Legislation should, as far as possible, be avoided. It is generally dangerous and liable to great abuses. These bills are of this character. They propose to contravene a general law in favor of particular individuals and the minors. Nothing appears upon the face of the bills which show that these cases should constitute an exception to the general law, regulating the relation of guardian and ward. Hence, I respectfully decline to sanction them. During the present session, I have sanctioned one bill of this character. It is the "act to authorize Avner Burnam of Houston county, as guardian of James R. R. Haddock, minor of William Haddock, deceased to settle with his ward, and to make said James R. R. Haddock, competent to contract and be contracted with, sue and be sued, and to do all other lawful acts, which an adult may of right do." But this act differs from the bills under consideration in two important particulars. First, it contains a preamble, reciting facts which make it a reasonable exception to the general law; and secondly, it provides that the settlement should take place under the supervision of the Ordinary and that the proper returns shall appear to have been made, and that the ward, after arriving at the age of twenty-one shall only be bound by said settlement, to the extent of the property and money actually received by him from his said guardian. Whereas, the bills under consideration contain no provision whatever protecting the wards against fraud and imposition, or even requiring the vigilance of the Ordinary, to see that the settlements be fairly made.

As to the bill for the relief of William I. P. Phinazee, I

have had laid before me the petition numerously and respectably signed, asking its passage by the Legislature, but it does not recite a single fact, which is even pretended to be a reason for taking it out of the operation of the law. It is anything but pleasant for me to interpose my opposition to these bills to the sense of the Legislature. I am aware, that it wears the aspect of questioning their wisdom and discreetness. But, I do not wish to be thus understood. They were influenced by reasons satisfactory to them; and perhaps, if I had the benefit of the light which guided them, I might cheerfully concur in their action. But under a stern sense of duty, I am left only to what appears on the face of these bills; and as thus advised, I discover nothing but the contravention of a wise and sound general law, in favor of particular individuals, without the evidence of a single fact which should make their cases an exception.

HERSCHEL V. JOHNSON.

On motion the message of his Excellency the Governor was taken up, and on motion of Mr. Hill the vetoed bill for the relief of David A. Walker of the county of Harris a minor in the twenty-first year of his age was laid upon the table for the balance of the session.

On motion of Mr. Buchanan the Senate took up the vetoed bill for the relief of William I. P. Phinazee of the county of Monroe and Hugh Brewster and his minor ward, Gabriel L. Hudson, of the county of Coweta, upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are, yeas 42, nays 44.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beasely, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Carlton, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Gibson, Hardeman, Harris of Worth, Hill, Jamison, Knight, Lott, Maddux, Marshall, McCrimmon, McGuire, Moore of Cobb, Moore of Lincoln, Nichols, Paulk, Peeples, Ponder, Poole, Robinson, Roddenberry, Simms, Turner and Wellborn.

Those voting in the negative are Messrs. Beall, Brown of Calhoun, Camden, Cannon, Cantrell, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Guerry, Hamilton, Harris of Taliaferro, Hays, Howell, Lawton, Matthews, McDonald, McIntosh, McMillan, Moody, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Pharr, Pope, Ragan, Reddish, Rentroe, Rudisill, Sapp, Shropshire, Screven, Smith, Strickland, Sumner, Wales, Whitaker and White.

So the bill was lost.

Mr. Guerry from the committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate, an act to organise the Court of Common

Pleas for the city of Augusta, and to change the name thereof, and to give it criminal jurisdiction in certain cases; also, to authorise and confer certain jurisdiction upon a Recorder's Court in the said city; to authorise the City Council to subscribe for stock in certain Rail-road companies, and provide for the payment of the amounts subscribed, to authorise the connection of Rail-road in Augusta, and for other purposes.

The Senate took up the bill to change the management of the Western & Atlantic Rail-road, and on motion the same was made the special order for to-morrow.

The Senate took up the bill to provide for the calling a Convention of the people of this State; to prescribe the number of delegates and the mode and manner of their election, and duties, and to fix the time and place of meeting of said Convention, and on motion the same was made the special order for the 18th inst.

Mr. Hardeman from the committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate, a bill to lay out and organise a new county from the counties of Lee and Randolph, to appoint Commissioners for the same, and for other purposes herein mentioned.

The committee to whom were referred a bill to be entitled an act to authorise the investment of trust funds in certain cases, beg leave to report against the passage of said bill, but recommend the passage of an accompanying substitute in lieu thereof.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorise heirs at-law to settle estates, where they are of lawful age, and more definitely to define the law on that subject.

Mr. Nichols moved to postpone the same indefinitely; which motion was lost.

The report of the committee was agreed to, and on the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are, yeas 16, nays 62.

Those voting in the affirmative are Messrs. Allred, Causey, Chastain, Coffee, Harris of Worth, Maddux, Marshall, McCrimmon, Murray, Paulk, Reddish, Smith, Strickland, Wales, Ware and White.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Beall, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Caden, Cannon, Cantrell, Carlton, Colbert, Cone of Bulloch, Cone of Greene Crowder, Dupree, Fambro, Gibson, Gordon, Grant, Guerry, Hale, Hamilton, Hardeeman, Harris of Taliaferro, Hays, Hill, Lawton, Lott, Matthews, McDonald, McIntosh, McMillan, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Newton, Nichols, Patterson of

Gilmer, Peeples, Pharr, Ponder, Poole, Ragan, Renfroe, Rudisill, Sapp, Simms, Scott, Studstill, Sumner, Swinney, Turner, Wellborn, Whitaker and Wynn.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill to change the line of the counties of Crawford and Monroe, so as to change the residence of Littleberry Lucas of Crawford.

Mr. Brice moved to lay the same on the table for the balance of the session, whereupon the yeas and nays were required to be recorded, and are yeas 51, nays 36.

Those voting in the affirmative are Messrs. Billups, Brice, Brown of Calhoun, Brown of Gwinnett, Camden, Cantrell, Carlton, Coffee, Colbert, Cone of Bulloch, Dabney, Dunnagan, Dupree, Fambro, Gray, Gordon, Grant, Griffin, Guerri, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Howell, Jamison, Lawton, Marshall, Matthews, McDonald, McIntosh, Moore of Lincoln, Moreland, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Paulk, Pharr, Renfroe, Robinson, Rudisill, Shropshire, Screven, Smith, Strickland, Sumner, Turner, Ware and Wellborn.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Beasley, Bloodworth, Brown of Baldwin, Buchanan, Calhoun, Cannon, Chastain, Cone of Greene, Crowder, Dixon, Gibson, Hardeman, Hill, Knight, Maddux, McCrimmon, McMillan, Moody, Moore of Cobb, Murray, Peeples, Ponder, Poole, Ragan, Sapp, Simms, Studstill, Swinney, Wales, Whitaker and White.

So the motion prevailed.

The Senate took up the report of the committee of the whole on a bill to increase the duties of Tax Receivers, Collectors and County Treasurers in this State.

On motion the same was amended by striking out the 1st section.

On motion the following was amended by adding the words, "except so far as relates to the counties of Irwin, Wayne, Worth and Catoosa

Mr. Allred moved the previous question which being seconded, the main question was ordered to be put, and was decided in the affirmative, and the report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill for the relief of the representatives and securities of Tax Collectors in certain cases, and for other purposes; the report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until ten o'clock to-morrow morning.

FRIDAY, FEBRUARY 15th, 1856.

The Senate met pursuant to adjournment.

Mr. Screven moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the majority and minority reports of the Committee on the Atlanta Bank; which motion was lost.

Mr. Dunnagan moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill to authorise heirs at law to settle estates when they are of lawful age, and more definitely to define the law on that subject.

Upon which motion the yeas and nays were required to be recorded, and are yeas 45, nays 44.

Those voting in the affirmative are Messrs. Adams, Allred, Atkinson, Brice, Brown of Gwinnett, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Crowder, Dunnagan, Dupree, Fambro, Gordon, Guerry, Hale, Hamilton, Harris of Taliaferro, Jamison, King, Knight, Lott, Maddux, Matthews, Moore of Cobb, Moore of Lincoln, Morris, Murray, Newton, Patterson of Gilmer, Paulk, Pharr, Poole, Pope, Ragan, Reddish, Simms, Spalding, Wales, Ware, Wellborn, Whitaker, and White.

Those voting in the negative are Messrs. Ashe, Beall, Bèasely, Billups, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Cannon, Cone of Greene, Dabney, Dixon, Gray, Gibson, Grant, Harde- man, Harris of Worth, Hays, Hill, McCrimmon, McDonald, McGuire, McMillan, Moody, Moreland, Murphy, Nichols, Peeples, Ponder, Renfroe, Robinson, Rodenberry, Rudisill, Sapp, Shropshire, Scott, Screven, Strickland, Studstill, Sumner, Turner and Wingfield.

So the motion to reconsider prevailed.

Mr. Guerry from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, the following acts, to-wit :

An act to repeal so much of an act entitled an act to lay out and organize the county of Fannin, out of the counties of Gilmer and Union, or so much of said act, as includes a portion of the county of Murray; assented to on 21st of January, 1854.

An act to repeal an act to prevent the killing of deer at certain periods of the year, in the counties of Burke and Worth, so far as relates to the county of Worth.

An act to repeal an act entitled an act to alter, amend, and explain section 4th of an act entitled an act for the prevention of frauds and perjuries; approved February 20, 1854.

An act to reduce the Sheriffs bond for Tattnall county.

An act to incorporate the "Athens Guards," and to con-

fer upon them certain powers and grant to them certain privileges and exemptions therein mentioned.

An act to exempt certain property of the city of Savannah from taxation.

An act to authorize the Justices of the Inferior Court Carroll county to levy and collect an extra tax for the purpose of building a Court House in said county.

An act to authorize constables in and for the counties of Telfair, Irwin and Coffee, who have taken oath and give bond in terms of the law, to serve any processes whatever of the Sheriffs of their respective Counties, and return the same to the court from whence such process issued.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President : The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to incorporate the Planter Club of Hancock county, and authorize the payment to them of a portion of the State Tax of said county, on certain conditions.

A bill to be entitled an act to authorize the collection of interest on open accounts.

A bill to be entitled an act to alter and add to the penal code of this State.

A bill to be entitled an act to fix the time of holding the elections of the Judges of the Superior Courts, Attorney and Solicitor's General.

A bill to be entitled an act to appropriate money to repair the State House, and to provide for its future reconstruction or removal.

A bill to be entitled an act to alter and change the second section of an act incorporating the Dalton and Gadsden Railroad company.

A bill to be entitled an act to ratify the organization of the first regiment, first brigade, first division, Georgia militia, and to make valid the election of the officers of the same, and for other purposes therein named.

A bill to be entitled an act for the relief of Crawford E. Little, Tax Collector of the county of Franklin.

A bill to be entitled an act to authorize the Justices of the Inferior Court of the County of Bibb, or a majority of them at their discretion, to levy and collect an extra tax for the purpose of opening and keeping in good repair the public highways in said county.

A bill to be entitled an act to amend an act in relation to the measuring of Timber, and the appointment of measurers and inspectors, and to punish violations of the same,

A bill to be entitled an act for the relief of Mrs. Jane Elizabeth Lott, wife of George Lott of Richmond county.

A bill to be entitled an act to authorize the Ordinary of

Gwinnett county to pay certain teachers of poor children; and for other purposes.

A bill to be entitled an act for the relief of William Waters, and to authorize the perfection of a certain grant therein named.

A bill to be entitled an act to authorize Charles T. P. Jarnagan, and James R. Russell of Catoosa county, to practice medicine and surgery in the several branches; and to charge and collect for the same.

A bill to be entitled an act for the relief of Rachel Holoman, wife of William Holoman of the county of Carrol, in the State of Georgia.

A bill to be entitled an act to alter, amend and add to the several laws relating to slaves and free persons of color in this State.

A bill to be entitled an act to authorize the county of Habersham, to aid in the construction of the North Eastern or any other Railroad running through said county, by the subscription of stock, and the issue of bonds therefor, upon a vote of the citizens of said county, in favor of the same.

They have also concurred in the amendments of the Senate to the following House bills, to-wit:

A bill to be entitled an act to incorporate certain persons under the name and style of the Columbus Iron works company.

A bill to be entitled an act to submit the question of removal of the Court House of the county Macon to the people thereof, and the place of its location, and in case they elect to remove, to authorize the Justices of the Inferior Court to sell the Court House, and the property of the county appertaining thereto, to negotiate for the site that may be elected; and levy an extra tax for the building of a new Court House.

A bill to be entitled an act to incorporate Sundry Run Academy in the county of Houston, and Cool Spring Academy in the county of Wilkinson, and to appoint trustees for the same.

A bill to be entitled an act to authorize the Judges of the Inferior Court of the counties of Liberty and McIntosh, to appoint a competent Surveyor for their respective counties, to properly run out and define a certain portion of the line which divides the above named counties.

A bill to be entitled an act to appropriate a sum of money to remove obstructions from the Big Satilla river, and to render the same navigable for timber, rafts, lumber, wood, and produce thereon, and for other purposes therein mentioned.

A bill to be entitled an act to change the line dividing the counties of Coweta and Meriwether.

A bill to be entitled an act for the relief of Margaret Marchman, formerly Margaret Watson, of the county of

Green, and to change the name of said Margaret Marchman to that of Margaret Watson; and also for the relief of William Meed of Haralson county.

A bill to be entitled an act to authorize the Justices of the Inferior Court of the counties of Catoosa and Polk, to levy an extra tax for county purposes, upon a recommendation of the Grand Jury of said counties.

A bill to be entitled an act to reduce the number of Jurors, required for Coroner's inquest in the counties of this State.

A bill to be entitled an act to make and constitute Amistatia Louentine Horne of the county of Bibb, Ann McDaniel of the county of Talbot; and Sarah M. Norrill of the county Pickens, sole traders.

They have also passed the following bills of the Senate, to-wit:

A bill to be entitled an act to repeal an act passed 18th of February 1854, to provide for the education of the poor, so far as the counties of Habersham and Carroll are concerned, and to require the Ordinary of Chattooga county to pay the widow of Harrison H. Strange, a certain sum therein named, so far as relates to the county of Habersham, and for other purposes.

A bill to be entitled an act to incorporate the sixes mining company of Georgia.

A bill to be entitled an act to alter and amend the fifth section of an act incorporating the trustees of the Southern Botanic Medical College, approved, December 11th, 1839.

A bill to be entitled an act to make Sarah Catharine Simmons, and John Jackson Simmons of the county of Dooley the adopted heirs of Hardy Pitts, and Nancy Pitts.

A bill to be entitled an act to make Austin G. L. Cheek of the county of Carroll, the adopted heir of Martin and Martha Crider.

A bill to be entitled an act to reduce the Sheriff's bond of Tatnall county,

A bill to be entitled an act to repeal an act to prevent the killing of deer at certain periods of the year in the counties of Burke and Worth, so far as relates to the County of Worth.

A bill to be entitled an act to protect the planters of oyster beds, and to give exclusive right to the usufruct of natural beds of oysters in certain cases; and to prevent the taking of Tarrapins, and Turtle in certain seasons.

A bill to be entitled an act to regulate the collection of Jury fees in the Superior and Inferior Courts of the county of Coweta, Floyd and Cass.

A bill to be entitled an act to incorporate the Athens Guards, and to confer upon them certain powers, and grant

to them certain privileges and exemptions therein mentioned.

A bill to be entitled an act to repeal an act, entitled an act to alter and explain section 4th of an act, entitled an act for the prevention of frauds and perjuries.

A bill to be entitled an act to repeal so much of an act, entitled an act to lay out and organize the county of Fannin, out of the counties of Gilmer and Union, or so much of said act as includes a portion of the county of Murray, assented to on the 21st of January, 1854.

A bill to be entitled an act to authorize constables in and for the counties of Telfair, Irwin and Coffee, and who taken oath and given bond in terms of the law, to serve any process whatever upon the Sheriffs of said counties, and make a return of the same to the Court from whence such process issued.

A bill to be entitled an act for the relief of Giles Videner of the county of Gordon.

A bill to be entitled an act to exempt the city of Savannah from taxation, from certain property, known as the Springfield plantation.

And they have also passed the following bill of the Senate, with an amendment, to-wit:

A bill to be entitled an act to authorize the city council of Savannah to elect, or appoint ten auctioners or vendue-masters.

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Catoosa.

They have also concurred with the resolution of Senate in relation to mail routes from Newnan to Carrollton, and other points, with an amendment.

Mr. Hardeman from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House, and ready for the signature of the President of Senate, the following bills, to-wit:

A bill to be entitled an act to repeal an act to amend the Patrol laws of this State, approved February 20th, 1854, so far as relates to the county of Glynn.

A bill authorizing persons owning, or who may hereafter own lands on any water course in this State, to ditch and embank the same, so as to protect said lands from freshets and overflows.

A bill to incorporate the Middle Ground Railroad, to provide for its organization, to define its rights and liabilities.

A bill to incorporate the Atlanta Gas light company.

A bill to incorporate "Randolph College" in Outhbert, Georgia.

A bill to change the residence of John W. Darracott, of the county of Warren, to the county of Taliaferro.

A bill to authorize the Justices of Inferior Court of Pauld-

ing country to levy an additional tax on the State tax, not exceeding two hundred per centum.

A bill to exempt all persons over forty-five years of age, from Patrol duty, and to shorten the time of service of patrol companies, from six to three months.

A bill to change the name of the Augusta and Waynesboro Railroad, to the Augusta and Savannah Railroad, to amend the charter of the said company, and for other purposes.

A bill to incorporate the Indian Springs Male and Female Academies, and to appoint trustees therefor.

A bill to amend an act assented to 24th December, 1847, entitled an act to incorporate the Muscogee Asylum for the poor, and to make provision for the support, and authorize the Inferior Court of Muscogee county to bind out poor children to said corporation, under certain circumstances, and to provide for their education.

A bill to authorize the Justices of the Inferior Court of Chatham county, to borrow money and levy and collect an extraordinary tax for the building of a new jail for said county.

A bill to repeal an act entitled an act to reduce the fees of the several tax collectors hereafter to be elected, for the county of Liberty, assented to Dec. 21, 1853.

A bill to incorporate Columbus Fire company No. 4.

A bill to incorporate Holmesville Lodge, No. 195, of free and accepted Masons of the town of Holmesville, Appling county.

A bill for the relief of Joseph L. Robinson of the county of Appling.

A bill to make final the disposition of the assets of the Central Bank.

A bill to confer certain rights and privileges on Charles K Jarratt: his heirs and assigns for the term of twenty-five years.

A bill to authorize Charles Cowart an infirm man of the county of Clinch and Harmon N Sapp, an infirm man of Lowndes county as itinerant traders to vend any goods, wares or merchandise within the counties of Clinch and Lowndes without license.

A bill to alter and amend an act entitled an act to carry into effect the amended Constitution of this State in reference to Ordinaries of this State and for other purposes, assented to January 21st, 1852, so far as relates to the county of Tattnall.

A bill for the relief of James Monroe Mitchell of the county of Muscogee.

A bill to make Walter R. Youlles, formerly Walter R. Highsmith, son of Walter Youlles, the lawful heir of the said Walter Youlles of said county of Wayne.

A bill to incorporate the Bibb County Orphan Asylum.

A bill to appropriate a sum of money to remove obstructions from the Big Satilla River, and to render the same navigable for timber, rafts, lumber, wood and other produce thereon.

A bill to change the line dividing the counties of Coweta and Meriwether.

A bill to authorise the Justices of the Inferior Court of the counties of Catoosa and Polk, to levy an extra tax for county purposes, upon a recommendation of the Grand Jury of said counties.

A bill to authorise the Judges of the Inferior Courts of the counties of Liberty and McIntosh, to appoint a competent surveyor for their respective counties, to properly run out and define a certain portion of the line which divides the above named counties.

A bill to reduce the number of Jurors required for Coroner's Inquests in this State.

A bill to make and constitute Anistatia Lorentine Horn of the county of Bibb, Ann McDaniel of the county of Talbot, and Sarah M. Norrill of the county of Pickens, sole traders.

A bill for the relief of Margaret Marchman, formerly Margaret Watson, of the county of Greene, and to change the name of said Margaret Marchman to that of Margaret Watson. And also for the relief of William Meed of Haralson county.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole on a bill to be entitled an act to organise and charter a company under the name and style of the Western and Atlantic Rail-road Company, to transfer the Western & Atlantic Rail-road to said Company; and for other purposes therein mentioned.

Mr. Buchanan moved to strike out the words 'five and a half millions,' and insert 'six' and moved to divide the question.

The following message was received from his Excellency the Governor, through Mr. deGraffenried his Secretary:

Mr. President—I am instructed to inform the Senate that the following acts have been approved and signed by the Governor:

An act to amend the several acts in relation to the town of Athens.

An act to amend an act entitled an act to alter and change the mode of appointing Trustees of Glynn County Academy of the county of Glynn, and to compel their Treasurer to give bond and security for the faithful performance of his duty and for other purposes.

An act to incorporate the Hydrant Water Company of Columbus.

An act to incorporate the Union Coal and Iron Company of Georgia, and Georgia Coal Mining Company, and the Pocahontas Mining Company.

An act to change the lines between several counties therein named: and for other purposes.

An act to make legal the election of James Bush to the office of Ordinary of Early county and William Griffin of Calhoun county, and to legalise the acts of John J. Pitcher, Deputy Ordinary of the county of Warren.

Pending the consideration of the same, on motion of Mr. Cone of Bulloch, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the consideration of the report of the committee of the whole on a bill to organise and charter a company under the name and style of the Western and Atlantic Rail-road Company, to transfer the Western and Atlantic Rail-road to said Company, and for other purposes, and upon which a motion was made to strike out the words 'five and a half millions.'

Whereupon the yeas and nays were required to be recorded and are yeas 48, nays 48.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Beall, Beasely, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan Camden, Cantrell, Chastain, Coffee, Colbert, Cone of Bulloch, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Jamison, McGuire, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Paulk, Pharr, Poole, Reddish, Robinson, Rudisill, Shropshire, Smith, Strickland, Sumner, Ware, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Atkinson, Bilups, Calhoun, Cannon, Carlton, Causey, Cone of Greene Crowder, Dixon, Dupree, Fambro, Gibson, Guerry, Hardeeman, Hays, Hill, Hines, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Newton, Nichols, Peeples, Ponder, Pope, Ragan, Renfroe, Roddenberry, Sapp, Simms, Scott, Screven, Spalding, Studstill Swinney, Turner and Wales.

There being a tie, the Chair voted in the affirmative and the motion was carried.

Mr. Ware moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded and are yeas 30, nays 63.

Those voting in the affirmative are Messrs. Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, McGuire, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Paulk, Pope, Shropshire, Smith, Strickland, Sumner, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Cannon, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Hill, Hines, Howell, Jamison, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Lincoln, Moreland, Murray, Newton, Nichols, Ponder, Poole, Ragan, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Simms, Scott, Studstill, Swinney, Turner, Wales and Wellborn.

So the motion to postpone was lost.

Mr. Ashe moved to fill the blank with the words 'ten millions.'

Mr. Pope raised the point of order, that the same subject matter as is contained in this bill, was once before the Senate and acted on.

The Chair overruled the point of order; whereupon Mr. Pope appealed from the decision of the Chair.

Upon the question being put: "shall the decision of the Chair stand as the judgment of the Senate, it was decided in the affirmative.

Upon the motion to fill the blank with 'ten millions,' the yeas and nays were required to be recorded and are yeas 35, nays 60. •

Those voting in the affirmative are Messrs. Allred, Ashe, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Cone of Bulloch, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Lawson of Burke, McGuire, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Pharr, Robinson, Shropshire, Smith, Strickland, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Calhoun, Cannon, Carlton, Causey, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Hill, Hines, Howell, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moreland, Murray, Newton, Nichols, Paulk, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Simms, Scott,

Screven, Spalding, Studstill, Sumner, Swinney, Turner, Wales and Wellborn.

So the motion was lost.

Mr. Shropshire moved to fill the blank with the words, 'eight millions;' whereupon the yeas and nays were required to be recorded and are yeas 34, nays 60.

Those voting in the affirmative are Messrs. Allred, Ashe, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Hale, Harris of Taliaferro, Jamison, Lawson of Burke, McGuire, Moore of Cobb, Murphy, Newton, Patterson of Gilmer, Robinson, Shropshire, Smith, Strickland, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Adams; Atkinson, Beall, Beasley, Billups, Bloodworth, Brown of Calhoun, Cannon, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Griffin, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Head, Hill, Hines, Howell, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Nichols, Paulk, Peeples, Ponder, Poole, Pope, Ragan, Renfro, Roddenberry, Sapp, Simms, Scott, Screven, Spalding, Studstill, Sumner, Swinney, Turner, Wales and Wellborn.

So the motion was lost.

Mr. Coffee moved to fill the blank with the words 'seven millions;' whereupon the yeas and nays were required to be recorded and are yeas 33, nays 63.

Those voting in the affirmative are Messrs. Allred, Ashe, Brown of Baldwin, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Hale, Harris of Taliaferro, Jamison, Lawson of Burke, McGuire, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Paulk, Robinson, Shropshire, Smith, Strickland, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Beasley, Billups, Bloodworth, Brown of Calhoun, Cannon, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Griffin, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Head, Hill, Hines, Howell, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Nichols, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Renfro, Roddenberry, Rudisill, Sapp, Simms, Scott, Screven, Spalding, Studstill, Sumner, Swinney, Turner, Wales and Wellborn.

So the motion was lost.

Mr. Gordon moved to fill the blank with 'six millions,'

whereupon the yeas and nays were required to be recorded and are yeas 61, nays 38.

Those voting in the affirmative are Messrs. Adams, Atkinson, Beasley, Billups, Bloodworth, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Causey, Cone of Greene, Crowder, Dixon, Dupree, Gibson, Guerri, Hamilton Hardeman, Hays, Head, Hill, Hines, Howell, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McGuire, Moody, Moore of Lincoln, Murray, Newton, Nichols, Paulk, Peeples, Ponder, Poole, Pope, Ragan, Reddish, Renfroe, Roddenberry, Sapp, Simms, Scott, Screven, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Wellborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Beall, Brice, Brown of Gwinnett, Cannon, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Bulloch, Dabney, Dunnagan, Fambro, Gray, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Jamison, Lawson of Burke, McIntosh, Moore of Cobb, Moreland, Morris, Murphy, Patterson of Gilmer, Pharr, Robinson, Rudisill, Shropshire, Smith, Strickland, Ware and White.

So the motion prevailed.

Mr. Cone of Bulloch moved to amend the same by adding 'or an amount equal to the cost for construction of said road and equipments of every description, interest already paid and yet to be paid on the outstanding bonds.'

The Chair ruled the same out of order.

Mr. Cone of Greene moved to strike out 'four Commissioners,' and insert the words 'the Ordinary of any county, a Commissioner.'

Mr. Bloodworth moved to divide the question.

The motion to strike out was lost.

Mr. Buchanan moved to amend the second section, by adding the words "and that no person or corporation, shall be permitted to subscribe for more than ten shares of said stock until the expiration of twelve months."

Where upon the yeas and nays were required to be recorded, and are yeas 59, nays 39.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Bell, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Guerri, Hale, Harris of Taliaferro, Harris of Worth, Hays, Hines, Howell, Lawson of Burke, Matthews, McDonald, McGuire, Moore of Cobb, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Pharr, Pope, Reddish, Renfroe, Robinson, Rudisill, Shropshire, Scriven, Smith, Spalding, Strickland, Sumner, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Calhoun, Cannon, Carlton, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Hamilton, Hardeman, Head, Hill, Jarson, King, Knight, Lawton, Lott, Maddux, Marshall, McCrimmon, McIntosh, Moody, Moore of Lincoln, Moreland Murray, Paulk, Ponder, Poole, Ragan, Roddenberry, Sapp, Simms, Scott, Studstill, Swinney, Turner, Wales and Welborn.

So the motion prevailed.

Mr. Pope moved to strike out of the 2d section, all of the word "any."

Whereupon the yeas and nays were required to be recorded, and are yeas 36, nays 58.

Those voting in the affirmative are Messrs. Adams, Allen, Atkinson, Bloodworth, Brown of Baldwin, Buchanan, Jaden, Chastain, Coffee, Crowder, Dabney, Dunnagan, Ferguson, Gordon, Hale, Hardeman, Harris of Tallapoosa, Hines, King, Lawson of Burke, McDonald, McGuire, Murphy, Patterson of Gilmer, Paulk, Peeples, Pope, Robins Sapp, Shropshire, Scriven, Sumner, Swinney, Turner and Whitaker.

Those voting in the negative are Messrs. Ashe, Beaseley, Brice, Brown of Calhoun, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Causey, Colbert, Cone of Bulloch, Cone of Greene, Dixon, Dupree, Fambro, Griffin, Guerry, Hamilton, Harris of Worth, Hays, Howell, Jamison, Knight, Lawton, Lott, Maddux, Matthews, McCrimmon, McIntosh, Moody, Moore of Lincoln, Moreland, Morris, Murray, Newton, Niles, Pharr, Ponder, Poole, Ragan, Reddish, Renfro, Roddenberry, Rudisill, Simms, Smith, Strickland, Studstill, Talley, Ware, Welborn and White.

So the motion was lost.

Pending the further discussion of the same, on motion Senate adjourned until seven o'clock, P. M.

SEVEN O'CLOCK P. M.

The Senate met pursuant to adjournment.

Mr. Lawton moved that the unfinished business be postponed till to-morrow morning 10 o'clock; which was agreed to.

Mr. McDonald moved to suspend the rules in order to take up the report of the committee of the whole on a resolution to define the time of holding the Superior Courts in the Brunswick Judicial Circuit.

Mr. Lawton offered the following as an additional amendment which was agreed to, to-wit:

And be it further enacted, That the county of Terrell be, and the same is hereby added to the Pataula Circuit.

Mr McDonaugh offered the following as an amendment, which was agreed to, to-wit :

"In the county of Clinch on the fourth Monday in June and December; in the county of Ware on the Monday after Clinch Court." The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

On motion of Mr. Guerry the Senate took up the report of the committee of the whole on a bill to lay out and organize a new county from Randolph and Stewart.

On motion of Mr. Gibson the same was postponed indefinitely.

On motion the regular order was taken up, which was the consideration of the report of the committee of the whole on a bill of the House of Representatives for the relief of Mary W. Gresham formerly Mary W. Triplett of Wilkes county.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to amend an act entitled an act to incorporate the village of Ringgold in Walker (now Oatoosa,) county, approved December 27th, 1847, to define the boundary of said incorporation, &c.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to alter and change the name of the county of Kinchasafoonee, &c.

On motion of Mr. Gibson the word "Preston" in the 1st section was stricken out, and "Webster" inserted.

Mr. Swinney offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That the county site of said county of Webster be changed from McIntosh to Preston.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to appropriate one hundred dollars to be refunded to Samuel Walker of Fulton county, who paid that amount above his lawful tax for 1851.

Mr. Morris offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted. That the sum of five dollars be refunded to A. K. Blackwell for double tax paid by him as an Attorney at Law in the county of Murray having given in and paid for his profession in the county of Pickens, and

that the said sum be paid to Mr. Morris the Senator from Murray.

Mr. White moved to amend the same by adding the following as an additional section, which was agreed to, to-wit :

Be it further enacted, That the Treasurer be requested to pay over to David Smith of Gwinnett county the sum of eleven dollars and ninety-eight cents being the amount paid by him as double tax in Jackson county for the year 1854, he having paid his tax for that year in Gwinnett county.

Mr. Smith offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That the sum of ten dollars be refunded to John Denning of Jones county for tax overpaid by him in the year 1854, and that the said sum be paid D. N. Smith, Senator from the county of Jones.

Mr. Beall offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That his Excellency the Governor is hereby authorised and required to draw his warrant upon the Treasury in favor of Ezra McCrary of the county of Warren for \$11 62½ cents and in favor of Andrew D. McCrary for 41 cents, and in favor of John McCrary for \$10 76, and in favor of Bartley McCrary 41 cents, and in favor of James Raley for \$2 17 and in favor of John Raley for 41 cents, and in favor of Thomas Kent for 41 cents, and in favor of James B. Wilson for \$4 76, and in favor of Henry Reynolds for 41 cents ; all of said persons are of Warren county, and said several sums of money being the amounts overpaid by them respectively for their taxes in the year 1855; and that Augustus Beall Senator from the county of Warren be authorised to collect and receipt for the same.

Mr. Buchanan offered the following additional section, which was agreed to, to-wit :

And be it further enacted, That the Treasurer is hereby authorised to pay to E. W. Allred former Tax Collector of Pickens county upon Executive warrant, nine dollars and sixty-three cents overpaid by him as Tax Collector for the year 1854.

Mr. Murphy offered the following as an additional section, which was agreed to, to-wit :

And be it further enacted, That the sum of ten dollars and seventy cents be appropriated to Wm. McCaw the taxes overpaid by him to the State in 1854, and that the Governor draw his warrant on the Treasurer for the same in favor of Chas. Murphy, Senator from the county of DeKalb.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The following message was received from his Excellency the Governor, through Mr. deGraffenried, his Secretary :

Mr. President: I am instructed to inform the Senate that the following act has been approved and signed by the Governor, to-wit :

An act to organize the Court of Common Pleas for the city of Augusta, and to change the name thereof, and to give it criminal jurisdiction in certain cases, also, to authorise and confer certain jurisdiction upon a Recorder's Court in said city ; to authorise the City Council to subscribe for stock in certain Rail-road Companies, and provide for the payment of the amounts subscribed , to authorise the connection of Rail-roads in Augusta ; to authorise the Savannah Valley Rail-road Company to cross the Savannah river, and be continued to Augusta, with certain privileges ; to provide for the registry of the names of all persons entitled to vote in elections in said city ; to prevent persons whose names are not registered, from voting ; to prescribe an oath for voters, and to punish violations of this act in regard to said elections and voters.

On motion the Senate took up the message of the House of Representatives in relation to a bill of the Senate to regulate the collection of Jury fees in the Superior and Inferior Courts of the county of Coweta, and certain amendments to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House of Representatives in relation to a bill of the Senate to alter and amend the fifth section of an act incorporating the Trustees of the Southern Botanical Medical College, approved December 11th, 1839, and certain amendments to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House of Representatives in relation to a bill of the Senate to authorise the City Council of Savannah to elect or appoint ten Auctioneers or vendue masters, and an amendment to the same.

On motion the amendment was concurred in.

On motion the Senate took up the message of the House of Representatives in relation to a bill to compensate Grand and Petit Jurors of the county of Catoosa, and an amendment to the same.

On motion the amendment was concurred in.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to change the lines between the counties of Randolph and Calhoun.

Mr. Guerry moved to amend the same by adding the following, to-wit :

And be it further enacted, That the line between the county of Calhoun and Randolph be so changed as to include Lot

of Land No. 294 in the 4th district of Calhoun in the county of Randolph; which was agreed to.

Mr. Head moved to amend the same by adding the following, to-wit:

And be it further enacted, That the line between the counties of Sumter and Macon be so changed as to include the lot of land on which Theophilus Davis now resides in the county of Macon; which was agreed to.

Mr. Murphy moved to amend by adding the following, to-wit:

And be it further enacted. That the line between the counties of Fulton and DeKalb be so changed as to include lot of land No. 9 in the 17th district in the county of DeKalb; which was agreed to.

Mr. Paulk moved to amend by adding the following, to-wit:

And be it further enacted, That the line between the counties of Irwin and Pulaski be so changed as to commence at the mouth of Bluff Creek at Half Moon Bluff in Irwin county thence running up said creek to lot of land number 196 in the first district of Irwin county, including all of said lot on the north of said creek, thence due west to the Pulaski line.

Mr. Cone of Greene moved to amend by adding the following, to-wit:

That lots No. 210, 211 in the county of originally Cherokee, 27th district now in Walker county be added to, and form a part of the county of Catoosa; which motion was lost; the report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend the 7th section of the second article of the Constitution, so as to define and restrict the pardoning power of the Legislature.

On motion the same was postponed indefinitely.

On motion the Senate took up the report of the committee of the whole on a bill of the House of Representatives for the relief of John W. Kelly of the county of Hancock.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to be entitled an act to grant certain privileges unto, and to incorporate the Oostanaula River Steam Boat Company.

The report of the committee of the whole was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to incorporate the Hightower Mining Company.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Scott the Senate took up the report of the committee of the whole on a bill for the relief of John F. Ball and others of Stewart county.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until half-past 9 o'clock to-morrow morning.

SATURDAY, FEBRUARY 16th, 1856.

The Senate met pursuant to adjournment.

On motion the rules were suspended, and Mr. Gibson reported a bill to be entitled an act to legalise certain processes in Monroe county; which was read the first time.

On motion of Mr. Hays, the rules were suspended, and a bill of the House of Representatives to lay out a new county from the counties of Baker and Early, was taken up and read the first time.

On motion of Mr. Wellborn, the rules were suspended, and the Senate took up and read the first time, the following bill of the House of Representatives, to-wit:

A bill to alter and change the second section of an act incorporating the Dalton and Gadsden Rail-road Company.

On motion the rules were suspended, and the bill to authorise heirs at law to settle estates when they are of lawful age, and more definitely to define the law on that subject, was referred to a select committee.

The committee are Messrs. Wales, Pope and Moore of Lincoln.

On motion the rules were suspended and Mr. Carlton offered the following resolution, to-wit:

Resolved, That the Senate will meet at 9 o'clock, A. M., adjourn at 1, P. M., meet at 3, P. M., adjourn at 5 1-2, P. M., meet at half-past 7, P. M., adjourn at 9 the same night.

On motion, the same was amended so as to read as follows, to-wit:

Resolved, That the Senate will meet at 9 1-2 o'clock, A. M., meet at 3, P. M., meet at 7, P. M.

The resolution as amended was agreed to.

On motion the rules were suspended and the Senate took up the report of the committee of the whole on a bill for the relief of William A. Clements, of the county of Stewart.

Mr. Scott moved to strike out all after the enacting clause, which was agreed to.

On motion of Mr. Hamilton, the following was inserted in lieu thereof:

That the Clerk of the Superior Court of Dooly County or the Solicitor General of the Macon Circuit, be and they are hereby required to enter full satisfaction of the bond of Samuel Bridges, principal, and Jesse J. Connel, security conditioned for the appearance of said Bridges at the Superior Court of said county, to answer for the offence of gambling, and that said officers or either of them, enter satisfaction of the judgment on said bond, and the fi fa issued therefrom, so far as relates to the said Jesse J. Connel, but not as to the said Samuel Bridges, upon the said Jesse J. Connel's paying all cost.

The report of the committee as amended was agreed to: the bill was read the third time and passed under the following title, to-wit:

An act for the relief of Jesse J. Connel of Dooly county; and on motion the same was ordered to be forthwith communicated to the House of Representatives.

Mr. Guerry from the committee on enrollment reported as duly enrolled and ready for the signature of the President of the Senate the following bill, to-wit:

An act to alter and amend the fifth section of an act, incorporating the Trustees of the Southern Botanical Medical College, approved Dec. 11th, 1839.

The following message was received from his Excellency the Governor, through Mr. deGraffenried his Secretary:

Mr. President: I am instructed to inform the Senate that the following acts have been approved and signed by the Governor:

An act to lay out and organise a new county from the counties of Lee and Randolph; to repeal an act entitled an act to make permanent the public site in the county of Lee at Starkville, and to incorporate the same; to designate the corporate limits thereof; to appoint Commissioners for the same, and to define their powers, approved December 26th 1851, and to provide for the selection of a new county site and for other purposes herein mentioned, approved February 7th 1854; to locate permanently the public site of the county of Lee, at Starkville, to compensate the lot owners of the town of Webster and for other purposes herein mentioned.

An act to repeal an act passed 18th February, 1854, to provide for the education of the poor, so far as the counties of Habersham and Carroll are concerned, and to require the Ordinary of Chattooga county to pay the widow of Harrison H. Strange a certain sum therein named, so far as relates to the county of Habersham and for other purposes.

An act to repeal an act entitled an act to alter, amend and

explain section 4th of an act entitled an act for the prevention of frauds and perjuries, approved Feb. 20th, 1854.

An act to incorporate the Athens Guards, and to confer upon them certain privileges and exemptions therein mentioned.

An act to repeal an act to prevent the killing of deer at certain periods of the year, in the counties of Burke and Worth, so far as relates to the county of Worth.

An act to authorise the Justices of the Inferior Court of Carroll county, to levy and collect an extra tax for the purpose of building a Court House in said county.

An act to reduce the Sheriff's bond of Tattnall county.

An act to make Sarah Catharine Simmons and John Jackson Simmons of the county of Dooley, the adopted heirs of Hardy Pitts and Nancy Pitts.

An act to repeal so much of an act entitled an act to lay out and organise the county of Fannin out of the counties of Gilmer and Union, or so much of said act as includes a portion of the county of Murray, assented to on the 21st of January, 1854.

An act to make Austin G. L. Cheek of the county of Carroll, the adopted heir of Martin and Martha Crider.

Mr. Hardeman from the committee on enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following bills, to-wit:

A bill to submit the question of the removal of the Court House of the county of Macon, to the people thereof; and the place of its location; and in case they elect to remove, to authorise the Justices of the Inferior Court to sell the Court-house and property of the county appertaining thereto; to negotiate for the site that may be elected, and levy an extra tax for the building a new Court-house.

A bill to incorporate the Georgia White Path Gold and Copper Mining Company of North-western Georgia.

A bill to incorporate Sandy Run Academy in the county of Houston, and Cool Spring Academy in the county of Wilkinson, and to appoint Trustees for the same.

A bill to incorporate certain persons under the name and style of the Columbus Iron Works Company.

Mr. Moore from the committee on enrollment^a, reports the following acts as duly enrolled and ready for the signature of the President, to-wit:

An act to protect planters of oyster beds, and to give exclusive right to the usufruct of natural beds of oysters in certain cases; and to prevent the taking of terrapins and turtles in certain seasons.

An act to incorporate the Sixes Mining Company of Georgia.

An act to add the county of Carroll to the fourth Congressional District.

An act to exempt certain property of the city of Savannah from taxation.

An act to authorise and require the Treasurer of the Glynn County Academy to pay over certain monies now in his hands.

An act to legalise the place of holding Justices' Courts in the 537th District; G. M., in the county of Upson.

Mr. Hardeman from the committee on enrollment reported as duly enrolled and ready for the signature of the President of the Senate:

An act to repeal an act passed 18th February, 1854, to provide for the education of the poor, so far as the counties of Habersham and Carroll are concerned, and to require the Ordinary of Chattooga county to pay the widow of Harrison H. Strange, a certain sum therein named, so far as relates to the county of Habersham, and for other purposes.

An act for the relief of Giles Widener of the county of Gordon.

An act to make Sarah Catharine Simmons, and John Jackson Simmons of the county of Dooly, the adopted heir of Hardy Pitts and Nancy Pitts.

An act to make Austin G. L. Cheek of the county of Carroll, the adopted heir of Martin and Martha Crider.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to amend an act assented to December 14th, 1811, and to allow practicing attorneys to hold the office and perform the duties of Justices of the Peace in the county of Washington.

A bill to be entitled an act to alter and amend the road laws in the county of Morgan.

A bill to be entitled an act to endow the Southern Botanical Medical College at Macon, Georgia.

A bill to be entitled an act to authorise the consolidation of the stocks of the Atlanta and LaGrange Rail-road Company: and the West Point and Tennessee Rail-road Company, and for other purposes.

A bill to be entitled an act to appoint commissioners, with power to remove all obstructions for the free passage of fish in Kinchafoonee creek, and to punish those who may attempt to defeat the same.

A bill to authorise the Governor to draw his warrant on the Treasury to the amount of one hundred and sixty dollars in favor of William S. Norman of the county of Liberty.

A bill to be entitled an act for the relief of J. T. C. Adams, John Pike and Ebenezer Perkins, all of the county of Lowndes.

A bill to be entitled an act to authorise the county of Early, to pay over to the counties of Calhoun and Clay, their distributive share of the poor school fund of said counties; and for other purposes therein mentioned.

A bill to be entitled an act to appropriate money to compensate the State Treasurer for extraordinary services.

A bill to be entitled an act to appoint trustees in the county of Carroll, and for other purposes.

A bill to be entitled an act to prevent the throwing of timber or dead stock in Holly creek in Murray county.

A bill to be entitled an act to grant to William Schley and Robert Schley of the county of Richmond, the right to open and construct a rail-road, plank road or other road from their saw-mill on Spirit creek in said county, to any point on the Augusta South-western Plank road, between the 11th and 13th mile posts on said plank road, from the city of Augusta, for the transportation of timber, lumber and wood.

A bill to be entitled an act to prevent the felling in of timber or otherwise obstructing Mountain Town creek, so as to cause drifts.

A bill to be entitled an act to incorporate the Eatonton and Madison Rail-road Company, and to confer certain powers and privileges therein mentioned.

A bill to be entitled an act for the relief of Archer Griffith of Oglethorpe county, and to authorise him to pay taxes in Oglethorpe county upon property owned by him in Madison county.

A bill to be entitled an act to authorise Judges of the Superior Courts of this State to appoint receivers during vacation, and to require the complainant in all cases, asking for writs of 'ne exeat,' 'quia timent,' and all applications asking for the appointment of a receiver, or for an injunction, to give bond and security to the respondent for any loss or damage which he or they may sustain by the suing out of said writs; and for other purposes.

A bill to be entitled an act to appoint an additional number of Trustees for the Washington Academy in the county of Gwinnett.

A bill to be entitled an act to authorise parties complainant, either in law or in equity, to perfect service of writs against corporations under certain circumstances therein named.

A bill to be entitled an act to refund to E. R. Alberti, a non-resident tax-payer of the county of Camden, a certain amount of money.

A bill to be entitled an act organizing the Independent Volunteer Battalion of Augusta, and for other purposes therein named.

A bill to be entitled an act for the relief of William Searcy of the county of Talbot.

A bill to be entitled an act to incorporate the Rome Foundry and Machine Company.

A bill to be entitled an act for the relief of Sarah H. Lamar.

A bill to be entitled an act to incorporate the Macon Savings Bank.

A bill to be entitled an act to authorise the admission in evidence of certified copies from the Executive Department and other officers connected therewith, to be used as evidence in any court of law or equity in this State, &c.

A bill to be entitled an act to incorporate the Pine Mountain Mining Company; also the Dalton Mining Company of Whitfield county.

A bill to be entitled an act to incorporate the Fighting Town Mining Company.

A bill to be entitled an act to incorporate the village of Chickasawhatchee in the county of Lee; and to appoint commissioners of the same, and to confer certain powers upon said commissioners. Also, to appoint commissioners for the Houghton Institute in the city of Augusta, and to appoint commissioners for the town of Sparta and for other purposes.

They have also passed the following bills of the Senate, to-wit:

A bill to be entitled an act to authorise and require the Treasurer of Glynn County Academy to pay over certain monies now in his hands.

A bill to be entitled an act to add the county of Carroll to the fourth Congressional District.

A bill to be entitled an act to legalise the place of holding Justices' Courts in the 537th dist. G. M., Upson county.

A bill to be entitled an act to incorporate a bank in the town of Atheus, to be called the bank of Athens.

And have also passed the following bills of the Senate with amendments, to-wit:

A bill to be entitled an act to change the residence of Frederick Merit, Sr. from the county of Coffee to the county Irwin, and for other purposes therein named.

A bill to be entitled an act to point out the mode of ascertaining the relief and support to which widows and orphans are entitled out of the estates of deceased husbands and parents, in cases where letters testamentary have, or shall hereafter be granted; and for other purposes.

A bill to be entitled an act to change the Superior Courts of certain counties therein named.

To which they desire the concurrence of the Senate.

The Senate took up the unfinished business of yesterday, which was the consideration of the report of the committee of the whole on a bill to organise and charter a company under the name and style of the Western and Atlantic Railroad Company, to transfer the Western and Atlantic Railroad to said company.

On motion of Mr. McIntosh, the second section was amended by inserting after the words 'citizen' the words 'or corporation.'

Mr Knight moved to amend the second section by adding the following, to-wit:

Provided, That no corporation shall at any time own more than four thousand shares, whereupon the yeas and nays were required to be recorded and are yeas 76, nays 19.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe; Beall, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Dabney, Dunnagan, Fambro, Gibson, Gordon, Grant, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hill, Hines, Howell, King, Knight, Lawson of Burke, Marshall, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Peeples, Pharr, Ponder, Poole, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Simms, Screven, Smith, Strickland, Studstill, Sumner, Wales, Ware, Welborn, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Cannon, Cantrell, Carlton, Colbert, Crowder, Dixon, Gray, Head, Lawton, Lott, Maddux, Moreland, Pope, Shropshire, Scott, Swinney and Turner.

So the motion prevailed.

Mr. Moore of Lincoln moved to amend the second section by adding the following, to-wit:

"Provided, that no person or corporation out of this State shall be allowed to subscribe for or own more than two thousand shares in said road; which motion was agreed to.

Mr. Pope moved to strike out the second section as amended, and to insert the following in lieu thereof, to-wit:

And be it further enacted, That subscriptions to said stock shall be confined to citizens of this State for the term of six months, that no citizen or corporation shall during that time subscribe for more than 30 shares, and if after the expiration of that time any stock remains untaken then the same may be taken by any person or corporations, preference being given to citizens or corporations of this State; which motion was lost.

Mr. Screven moved to amend the third section by striking out the words, 'four million five hundred thousand'; which motion was agreed to.

Mr. Buchanan moved to fill the blank with the words, 'six millions'; whereupon the yeas and nays were required to be recorded, and are yeas 38, nays 56.

Those voting in the affirmative are Messrs. Allred, Ashe, Bloodworth, Brice, Brown of Baldwin, Brown of Cal-

houn, Buchanan, Camden, Chastain, Coffee, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Howell, Jamison, Lawson of Burke, McGuire, McMillan, Moore of Cobb, Moreland, Morris, Murphy, Patterson of Gilmer, Pharr, Renfroe, Riley, Shropshire, Strickland, Sumner, Ware, Whitaker and White.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Beasley, Billups, Calhoun, Cannon, Cantrell, Carlton, Causey, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Guerry, Hamilton, Hardeman, Hays, Head, Hill, Hines, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Murray, Nichols, Paulk, Peeples, Ponder, Poole, Ragan, Reddish, Robinson, Roddenberry, Rudisill, Simms, Scott, Screven, Smith, Studstill, Swinney, Turner, Wales, Wellborn and Wingfield.

So the motion was lost.

Mr. Screven moved to fill the blank with the words, 'three million five hundred thousand'; whereupon the yeas and nays were required to be recorded, and are yeas 51, nays 45.

Those voting in the affirmative are Messrs. Adams, Atkinson, Beall, Beasley, Billups, Brown of Baldwin, Calhoun, Cannon, Carlton, Causey, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Guerry, Hamilton, Hardeman, Hays, Head, Hill, Hines, Knight, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, Moody, Moore of Lincoln, Moreland, Murphy, Nichols, Peeples, Ponder, Ragan, Robinson, Roddenberry, Rudisill, Simms, Scott, Screven, Spalding, Studstill, Swinney, Turner, Wellborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Bloodworth, Brice, Brown of Calhoun, Buchanan, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Howell, Jamison, King, Lawson of Burke, Lawton, McGuire, McIntosh, McMillan, Moore of Cobb, Morris, Murray, Patterson of Gilmer, Paulk, Pharr, Poole, Pope, Reddish, Renfroe, Riley, Shropshire, Smith, Strickland, Sumner Ware and White.

So the motion prevailed.

Pending the further consideration of the same, on motion of Mr. Carlton the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the

unfinished business of the last adjournment, which was the consideration of the report of the committee of the whole on a bill to organise and charter a Company under the name and style of the Western and Atlantic Rail-road Company, to transfer the Western and Atlantic Rail-road to said Company, and the consideration of the fourth section of the same.

Mr. McMillan moved to amend the 4th section by striking out the words 'five per cent,' and inserting the words 'seven per cent' per annum; which motion was agreed to.

Mr. Screven moved to strike out of the 4th section all after the words 'provisions of this act'; whereupon the yeas and nays were required to be recorded, and are yeas 37, nays 49.

Those voting in the affirmative are Messrs. Adams, Ashe, Beall, Brice, Brown of Gwinnett; Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Grant, Griffin, Guerry, Hale, Harris of Taliaferro, Harris of Worth, Hays, Lawson of Burke, McGuire, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Riley, Rudisill, Shropshire, Screven, Smith, Strickland, Sumner, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Beasley, Bloodworth, Brown of Calhoun, Buchanan, Calhoun, Cannon, Carlton, Causey, Cone of Greene, Crowder, Dupree, Fambro, Gibson, Gordon, Hamilton, Hardeman, Head, Hill, Hines, Howell, Jamison, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, Moody, Moore of Lincoln, Murray, Newton, Nichols, Paulk, Peeples, Ponder, Poole, Reddish, Roddenberry, Sapp, Simms, Scott, Studstill, Swinney, Turner and Wales.

So the motion was lost.

On motion of Mr. Knight the fourth section was amended by adding the following, to-wit:

"Provided, That nothing in this act shall be construed to prevent any Stockholder from paying up his stock at subscription, or the time any payment may fall due.

Mr. McMillan moved to amend the fifth section by striking out the words, 'to call upon his Excellency the Governor whose duty it shall be to subscribe for the State of Georgia for the remainder of said Stock, and the Commissioners are hereby fully authorised and empowered, when the whole Stock is taken as aforesaid.'

Whereupon the yeas and nays were required to be recorded, and are yeas 31, nays 54.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Beall, Brice, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gibson, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Jamison, McGuire, McMil-

lan, Patterson of Gilmer, Riley, Shropshire, Strickland, Ware and White.

Those voting in the negative are Messrs. Atkinson, Beasely, Billups, Bloodworth, Brown of Baldwin, Brown of Calhoun, Cannon, Carlton, Causey, Cone of Greene, Crowder, Fambro, Guerry, Hamilton, Hardeman, Head, Hill, Hines, Howell, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murphy, Murray, Newton, Nichols, Paulk, Peeples, Ponder, Poole, Pope, Robinson, Roddenberry, Sapp, Simms, Scott, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Wellborn and Whitaker.

So the motion was lost.

Mr. Screven moved to amend the same by striking out of the fourth section the following words at the close 'or within six months thereafter'; whereupon the yeas and nays were required to be recorded, and are yeas 41, nays 52.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Beall, Bloodworth, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Gordon, Grant, Griffin, Hale, Harris of Taliaferro, Harris of Worth, Jamison, Lawson of Burke, McGuire, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Pope, Riley, Robinson, Rudisill, Shropshire, Screven, Smith, Strickland, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Beasely, Billups, Brown of Calhoun, Calhoun, Cannon, Carlton, Causey, Cone of Greene, Crowder, Dupree, Fambro, Gibson, Guerry, Hamilton, Hardeman, Hays, Head, Hill, Hines, Howell, King, Knight, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Murray, Nichols, Paulk, Peeples, Pharr, Ponder, Poole, Ragan, Reddish, Roddenberry, Sapp, Simms, Scott, Studstill, Sumner, Swinney, Turner, Wales and Wellborn.

So the motion was lost.

Mr. McMillan moved to amend the 4th section by inserting after the word 'bonds' the words, 'with security to be approved by the Commissioners'; whereupon the yeas and nays were required to be recorded, and are yeas 43, nays 48.

Those voting in the affirmative are Messrs. Adams, Allred, Atkinson, Beall, Beasely, Brice, Brown of Baldwin, Brown of Gwinnett, Camden, Cantrell, Causey, Chastain, Coffee, Colbert, Dabney, Dunnagan, Gray, Grant, Griffin, Hale, Hamilton, Harris of Taliaferro, Howell, Jamison, Lawson of Burke, Marshall, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Reddish, Riley, Robinson, Rudisill, Shropshire, Screven, Smith, Strickland, Studstill, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Ashe, Billups, Bloodworth, Brown of Calhoun, Buchanan, Calhoun, Cannon, Carlton, Cone of Greene, Crowder, Dupree, Fambro, Gibson, Gordon, Guerri, Hardeman, Hays, Head, Hill, Hines, King, Knight, Lawton, Lott, Maddux, Matthews, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Murray, Nichols, Paulk, Peeples, Pharr, Ponder, Poole, Pope, Ragan, Roddenberry, Sapp, Simms, Scott, Sumner, Swinney, Turner and Wales.

So the motion was lost.

On motion of Mr. Cone of Greene, the 6th section was amended by adding the following, to-wit :

"And that there shall be five Directors of said Company, three of whom shall be elected by the private Stockholders and two by the Legislature, and each share of Stock shall be entitled to one vote in all elections by Stockholders."

Mr. Pope moved to amend the 9th section by striking out the words 'nor sell nor lease said Road to any Company 'or individual north of Mason and Dixon's line; whereupon the yeas and nays were required to be recorded, and are yeas 73, nays 14.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Gray, Gordon, Grant, Griffin, Guerri, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Head, Hines, King, Lawson of Burke, Lott, Maddux, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Paulk, Peeples, Poole, Ragan, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Strickland, Studstill, Sumner, Swinney, Turner, Wales, Ware, Whitaker and White.

Those voting in the negative are Messrs. Cannon, Cone of Bulloch, Fambro, Gibson, Harris of Worth, Hill, Howell, Jamison, Lawton, Marshall, Matthews, Newton, Nichols and Wellborn.

So the motion prevailed.

Pending the consideration of the bill Mr. Hardeman moved that the Senate adjourn until half-past 9 o'clock Monday morning; whereupon the yeas and nays were required to be recorded, and are yeas 54, nays 36.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beasely, Billups, Brice, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Chastain, Coffee, Cone of Greene, Crowder, Dabney, Dunnagan, Dupree, Fambro, Gray, Gibson, Griffin, Guerri, Hardeman, Harris of Worth, Hays, Head, Jamison, King, Knight, Lawson of Burke,

Lott, McIntosh, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Newton, Nichols, Ponder, Poole, Pope, Robinson, Roddenberry, Sapp, Summs, Scott, Smith, Studstill, Wales, Ware, Wellborn and White.

Those voting in the negative are Messrs. Beall, Bloodworth, Buchanan, Camden, Carlton, Causey, Cone of Bulloch, Gordon, Grant, Hale, Hamilton, Harris of Taliaferro, Hill, Hines, Howell, Maddux, Marshall, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Morris, Patterson of Gilmer, Paulk, Pharr, Ragan, Reddish, Riley, Rudisill, Screven, Strickland, Turner and Whitaker.

So the motion prevailed, and the Senate adjourned until half-past 9 o'clock Monday morning.

MONDAY, FEBRUARY 18th, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Hill, the Senate took up the message of the House of Representatives in relation to a bill changing the Superior Courts of certain counties therein named, and certain amendments to the same.

On motion the amendments of the House of Representatives were concurred in.

On motion the Senate took up the message of the House of Representatives, in relation to a bill of the Senate to point out the mode of ascertaining the relief and support to which widows and orphans are entitled to out of the estates of their deceased husbands and parents in cases where letters testamentary or of administration have or shall be hereafter granted, and for other purposes.

On motion the amendments of the House of Representatives were concurred in.

On motion the Senate took up the message of the House of Representatives in relation to a bill of the Senate to change the residence of Frederick Merit, Sr. from the county of Coffee to the county of Irwin and to change several county lines therein named, and certain amendments to the same.

On motion the action of the House in striking out so much of the 4th section as related to the change of the residence of David Garvin of the county of Lumpkin, was disagreed to.

Mr. Allred moved to concur in the amendment of the House in relation to changing the county lines between Cherokee and Pickens, so as to add lots of land Nos. 231 and 234 in the 4th district, second section in Cherokee to Pickens; whereupon the yeas and nays were required to be recorded and are yeas 12, nays 65.

Those voting in the affirmative are Messrs. Adams, Alfred, Chastain, Coffee, Colbert, Harris of Worth, Head, Lawson of Burke, Newton, Paulk, Rudisill and Shropshire.

Those voting in the negative are Messrs. Ashe, Avery, Beall, Beasely, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Cone of Bulloch, Cone of Greene, Dabney, Dunnagin, Fambro, Gray, Gibson, Gordon, Guerry, Halé, Hamilton, Harris of Taliaferro, Hill, Howell, Jamison, King, Knight, Long, Lott, Maddux, Marshall, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moreland, Murphy, Murray, Patterson of Gilmer, Ponder, Poole, Ragan, Reddish, Renfroe, Riley, Robinson, Sapp, Scott, Studstill, Sumner, Swinney, Turner, Wales, Ware and Whitaker.

So the motion was lost, and the Senate refused to concur in said amendment.

On motion the Senate refused to concur in the amendment of the House of Representatives in relation to adding certain lots of land owned by Saml. Felder of Dooly county to Houston county.

On motion the other amendments of the House of Representatives were concurred in.

On motion the Senate took up the message of the House of Representatives in relation to a bill to incorporate the city of Brunswick, and an amendment to the same.

On motion the Senate concurred in the amendment of the House of Representatives.

On motion the rules were suspended and the Senate took up the report of the committee of the whole on a bill to lay out and organise a new Judicial circuit out of the counties of Heard, Coweta, Campbell, Carroll, Haralson and Polk, and for other purposes therein named.

On motion the word 'Floyd' was inserted after the word 'Polk.'

On motion of Mr. Bloodworth, the same was amended by adding the following to the second section:

'In the county of Carroll on the 3d and 4th Mondays in March and September.'

On motion the 4th section was amended by adding the following:

'And that the same be attached to the 3d Supreme Court Judicial District.'

On motion of Mr. Murphy, the bill was amended by adding the following as an additional section, to-wit:

And be it further enacted, That two weeks be allowed for holding the Superior Courts in the county of De Kalb, if necessary, and that Grand and Petit Jurors be drawn for each week, as now provided by law.

On motion of Mr. McGuire, the bill was further amended by adding the following as an additional section, to-wit:

‘That the Superior Court of the county of Floyd be held on the 1st Mondays in February and August, and that three weeks be allowed for said court whenever the business of the same may require it, and that the necessary panels of grand and petit jurors be drawn and summoned for each week of said court.

On motion the following was added as an additional section :

That all persons subpoenaed, summoned or bound as witnesses or suitors, jurors, or in any other capacity whatever, to attend said courts at the times which by the law now in force, said courts now are to be holden, shall be and they are hereby required and bound by virtue of said summons. subpoenas. bond or other process heretofore issued, to attend said court at the time specified in this act.

On motion of Mr. Studstill, the bill was further amended by adding the following, to-wit:

That the Superior Courts in the county of Irwin on the fourth Mondays in April and October, and Telfair on the Thursdays thereafter.

The report of the committee as amended was agreed to, the bill was read the third time and upon the question “shall this bill now pass?” the yeas and nays were required to be recorded and are yeas 52, nays 29.

Those voting in the affirmative are Messrs. Ashe, Avery, Beall, Beasley, Bloodworth, Brice, Brown of Baldwin, Buchanan, Calhoun, Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Gray, Gibson, Gordon, Hardeman, Harris of Taliaterro, Harris of Worth, Hill, Knight, Long, McDonald, McGuire, Moody, Moore of Cobb, Murphy, Murray, Newton, Patterson of Gilmer, Ragan, Rudisill, Sapp, Shropshire, Simms, Scott, Spalding, Strickland, Studstill, Swinney, Ware, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Alred, Billups, Brown of Gwinnett, Coffee, Colbert, Dunnagan, Dupree, Fambro, Hale, Hamilton, Hines, Howell, King, Maddux, Marshall, McCrimmon, McIntosh, McMillan, Moore of Lincoln, Moreland, Paulk, Poole, Pope, Renfroe, Riley, Robinson, Sumner, Turner and Wales.

So the bill was passed.

On motion the Senate took up the report of the committee of the whole on a bill to incorporate the North-eastern Rail-road company.

On motion the first section was amended by inserting after the word ‘between’ the words ‘and to unite and connect

with the Blue Ridge Rail-road at' also by inserting after the word 'thereto' the words 'or any other road.'

On motion of Mr. McMillan, the second section was amended by inserting after the name of 'William Law' the name of 'Jacob Waldburg.'

On motion of Mr. McMillan, the 5th section was stricken out. The report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion leave of absence for a few days was granted to Messrs. Newton, Screven, Hines, Grant, Hays and Colbert.

Mr. Lawson from the Committee on the State of the Republic, reported the following resolutions, to-wit:

Resolved, That his Excellency the Governor be requested to transmit a copy of the following resolutions to the Governor of Vermont, with a request that the said resolutions be by the said Governor communicated to the General Assembly of the State of Vermont.

Resolved by the General Assembly of the State of Georgia, That the State of Georgia will not consider any resolution emanating from the State of Vermont, until the said State of Vermont shall have learned to regard her constitutional obligations and the courtesy due to the States of this Union.

Resolved, That until further ordered, no resolution, laws, ordinances or other legislative act of the State of Georgia, be communicated to the State of Vermont.

Resolved, That his Excellency the Governor be and he is hereby requested to furnish this House with the present state of the controversy between the States of South Carolina and Georgia, in relation to the boundary line between these States.

Resolved, That this resolution be referred to his Excellency the Governor, with a request that he will take such measures as in his judgment are best calculated to determine the question.

On motion the resolutions were taken up and agreed to, and ordered to be forthwith transmitted to the House of Representatives.

On motion the Senate took up the report of the committee of the whole on a bill to lay out and organise a new county from the county of Franklin.

On motion the second section was amended by striking out the name of 'Berrien,' and inserting the name of 'Cleveland.'

On motion the second section was further amended by filling the blanks in the same with the words 'first' and 'fourth.'

Mr. Morris moved to amend by adding the following as an additional section, to-wit:

And be it further enacted, That the Inferior Court of Franklin county, or a majority of them, shall appoint five freeholders, three from the county of Franklin, and two from the

county of Cleveland, who shall assess the value of the lots and buildings within the incorporate limits of the town of Carnesville, and that the said county of Cleveland, shall pay to the citizens of Carnesville, whose property shall be depreciated in value by the division of the said county of Franklin, two-thirds of its real value before the division of said county, or whatever they may consider it has depreciated in value in consideration of said division.

Whereupon the yeas and nays were required to be recorded and are yeas 54, nays 27

Those voting in the affirmative are Messrs. Adams, Avery, Beall, Beasely, Billups, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cannon, Carlton, Chastain, Cone of Bulloch, Crowder, Cumming, Dunnagan, Dupree, Gray, Gordon, Hamilton, Harris of Taliaferro, Hays, Head, Lawson of Burke, Lott, Maddux, Marshall, McCrimmon, McGuire, McIntosh, Moore of Lincoln, Moreland, Morris, Paulk, Peeples, Pharr, Poole, Ragan, Reddish, Renfroe, Riley, Rudisill, Sapp, Scott, Studstill, Sumner, Swinney, Turner, Wales, Ware, Wellborn, and Whitaker.

Those voting in the negative are Messrs. Allred, Ashe, Brice, Cantrell, Causey, Coffee, Colbert, Cone of Greene, Dabney, Dixon, Fambro, Gibson, Guerry, Hale, Harris of Worth, Hill, King, Long, McDonald, Moody, Moore of Cobb, Murphy, Murray, Patterson of Gilmer, Pope, Strickland and White.

So the motion prevailed.

The report of the committee as amended was agreed to; the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 36, nays 50.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Bloodworth, Brice, Calhoun, Cantrell, Carlton, Chastain, Coffee, Colbert, Cone of Greene, Dabney, Gordon, Guerry, Hale, Harris of Worth, Head, Jamison, King, Knight, Lawson of Burke, Long, McDonald, Moore of Cobb, Murray, Nichols, Patterson of Gilmer, Paulk, Poole, Strickland, Studstill, Swinney, Ware, Wellborn and White.

Those voting in the negative are Messrs. Avery, Beall, Beasely, Billups, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cannon, Causey, Cone of Bulloch, Dixon, Dunnagan, Dupree, Fambro, Gray, Gibson, Hamilton, Hardeman, Harris of Taliaferro, Hill, Hines, Howell, Lott, Maddux, Marshall, McCrimmon, McIntosh, Moody, Moore of Lincoln, Moreland, Morris, Newton, Pharr, Pope, Ragan, Reddish, Renfroe, Riley, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Spalding, Sumner, Wales and Whitaker.

So the bill was lost.

On motion the rules were suspended and Mr. Moore of Lincoln offered the following resolution, to-wit :

Whereas, by fraudulent entries in the various books in the different Departments at the Capitol, there are many vacant lots of land in this State; which appear to have been granted, but which in fact have not; Therefore be it

Resolved by this General Assembly, That his Excellency the Governor be and he is hereby authorised to employ some fit and competent person to examine said books and ascertain the numbers of said lots of land so ungranted; and when ascertained, to expose the same for sale at the Capitol, (after due notice) for the benefit of the State; and that his Excellency the Governor pay out of the proceeds of said sale, a just compensation to the person so employed by him.

On motion of Mr. Chastain the same was amended by adding the following, to-wit:

And that the said lots shall be sold by the Sheriff of the county in which said lots lie, which Sheriff shall be entitled to the same commissions as for sales under execution.

The amendment as amended was agreed to and the same ordered to be forthwith transmitted to the House of Representatives.

On motion of Mr. Gibson the rules were suspended and the Senate took up and read the second time the following bill, to-wit:

A bill to legalise certain processes in Monroe county.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bill, to-wit:

A bill to be entitled an act to appropriate money to the legal representatives of James M. Kelly, deceased.

They have also passed the following bill of the Senate, to-wit :

A bill to be entitled an act to incorporate a bank to be located in the city of Macon, to be called the Bank of Middle Georgia.

Mr. Guerry from the committee on enrollment reported as duly enrolled and ready for the signature of the President of the Senate,

An act to incorporate a bank to be located in the city of Macon, to be called the Bank of Middle Georgia.

Mr. Moore from the committee on enrollment reports as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to incorporate certain persons under the name and style of the Columbus Iron Works Company.

An act to incorporate Sandy Run Academy in the county

of Houston, and Cool Spring Academy in the county of Wilkinson, and to appoint Trustees for the same.

An act to incorporate the Georgia White-Patch Gold and Copper Mining Company of North-western Georgia.

An act to submit the question of the removal of the Court House of the county of Macon, to the people thereof; and the place of its location; and in case they elect to remove, to authorise the Justices of the Inferior Court to sell the Court-house and property of the county appertaining thereto; to negotiate for the site that may be selected, and levy an extra tax for the building a new Court-house.

Also duly enrolled and ready for the signature of the President of the Senate,

An act for the relief of Giles Widener of the county of Gordon.

An act to authorise and require the Treasurer of the Glynn County Academy to pay over certain monies now in his hands.

Also, an act to regulate the collection of jury fees in the Superior and Inferior Courts of the counties of Coweta, Floyd and Cass.

An act to authorize the city councils of Savannah and Augusta each to elect, or appoint ten auctioneers or vendue-masters.

The following message was received from the House of Representatives by Mr. Speer, their Clerk.

Mr. President—The House of Representatives have passed the following bill:

A bill to be entitled an act to legalise the election of Henry R. Cody of the county of Warren as Ordinary of said county, and to authorise a commission to issue to him, and for other purposes. Which I have been directed to communicate at once to the Senate.

The following message was received from the House of Representatives by Mr. Speer, their Clerk to-wit:

Mr. President—The House of Representatives have passed the following bill, to-wit:

A bill to be entitled an act to remove the Penitentiary of this State, to appropriate money for the same, and for other purposes therein mentioned.

They have agreed to a resolution in reply to a resolution from the Legislature of the State of Vermont, to which they ask the concurrence of the Senate.

To the bill of the House entitled an act to submit the question of removal of the Court-house of Macon county to the people thereof; and which was amended by the Senate, the House have concurred in the same with an additional amendment, to which they ask the concurrence of the Senate.

The Senate took up the unfinished business of the last adjournment, which was the consideration of the report of the committee of the whole on a bill to organise and charter a

company under the name and style of the Western & Atlantic Rail-road Company and for other purposes.

On motion of Mr. Cone of Greene, all after the enacting clause of the 11th section was stricken out, and the following inserted in lieu thereof:

That said company shall be located in the city of Atlanta, and its office for the transaction of business shall be kept there; that said company shall not be permitted to establish or charge any higher rates for freight or passage than is now established and charged upon said road, nor shall said company discriminate in the prices of freight in favor of or against any individual, company or place, but the prices shall in all cases be uniform, and if said company shall at any time charge any higher rates for freight or passage than is now charged upon said road, the persons or company against whom the same is charged, may recover of said company five times the amount of such excess; and if said company shall discriminate, against whom such discrimination is made may recover of said company five times the amount of such discrimination.

Mr. Allred moved to amend by adding the following:

And be it further enacted, That this company shall not go into operation until the people of the State of Georgia shall have approved of the same by endorsement upon their tickets 'company' or 'no company,' which are hereby requested to do at the Presidential election in November next.

Whereupon the yeas and nays were required to be recorded and are yeas 27, nays 60.

Those voting in the affirmative are Messrs. Allred, Ashe, Bloodworth, Buchanan, Camden, Cantrell, Chastain, Coffee, Cone of Bulloch, Dabney, Dunnagan, Gordon, Hale, Harris of Taliaferro, Harris of Worth, Jamison, Lawson of Burke, McMillan, Morris, Murphy, Patterson of Gilmer, Pharr, Riley, Shropshire, Strickland, Ware and White.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Beasley, Billups, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Calhoun, Cannon, Carlton, Causey, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gibson, Guerry, Hardeman, Hays, Head, Hill, Hines, Howell, King, Knight, Long, Lott, Maddux, Marshall, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moreland, Murray, Nichols, Paulk, Peeples, Ponder, Pope, Ragan, Reddish, Rentoe, Robinson, Rudisill, Simms, Scott, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Wellborn, Whitaker and Wingfield.

So the motion was lost.

Pending the further consideration of the same, on motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the consideration of the report of the committee of the whole on a bill to organise and charter a company under the name and style of the Western and Atlantic Rail-road company, and for other purposes.

On motion of Mr. Hill, the following was added as an additional section, to-wit :

Be it further enacted, That the Directors of said company shall be resident citizens of the State of Georgia, and should any Director move beyond the limits of the State, his office as Director shall be declared vacated by the other Directors.

On motion of Mr. Dunnagan, the bill was further amended by adding the following proviso, to-wit :

Provided, That any person or body politic shall be authorised to subscribe for stock at the minimum price, seven million dollars, which subscription shall have the preference over the subscription for the six millions price.

On motion of Mr. Moore of Lincoln, the same was further amended by adding the following as an additional section:

And be it further enacted, That nothing in this act shall be so construed as to authorise said Western and Atlantic Rail-road Company to subscribe for, own, or take stock in any other rail-road or corporation, without being first authorised to do so by the General Assembly of this State.

On motion of Mr. Calhoun the same was further amended by adding the following as an additional section, to-wit :

And be it further enacted, That should the office of any Director appointed by the State become vacant during the recess of the Legislature, the Governor shall fill the same until the next meeting of the Legislature, and that said Directors may hold their office for twelve months, and that the Directors may elect a President from their own body.

On motion of Mr. McMillan, the same was further amended by adding the following as an additional section, to-wit :

And be it further enacted, That the stock in said road shall pay the same tax as is now or may hereafter be paid on real estate.

On motion of Mr. Dabney, the same was further amended by adding the following as an additional section, to-wit :

And be it further enacted, That suit may be commenced against said company in any county of this State, through which said road passes, in any court having jurisdiction of the cause of action; and service of proces or notice of said suit upon any depot agent of said road in said county, either personally or by leaving the same at said depot office, shall be sufficient.

Mr. Fambro moved the previous question, which being

seconded, upon the question 'shall the main question now be put?' the yeas and nays were required to be recorded and are yeas 59, nays 36.

Those voting in the affirmative are Messrs. Adams, Atkinson, Avery, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Calhoun, Camden, Cannon, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Guerry, Hamilton, Hardeman, Harris of Taliaferro, Hays, Hill, Hines, Howell, King, Knight, Long, Lott, Maddux, Marshall, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Newton, Paulk, Ponder, Ragan, Reddish, Riley, Rudisill, Sapp, Simms, Scott, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Welborn and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Beall, Brown of Calhoun, Brown of Gwinnett, Buchanan, Cantrell, Chastain, Coffee, Colbert, Cumming, Dabney, Dunnagan, Gray, Gibson, Gordon, Hale, Harris of Worth, Jamison, Lawson of Burke, McGuire, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Pharr, Poole, Pope, Renfro, Robinson, Shropshire, Strickland, Ware, Whitaker and White.

So the main question was ordered to be put.

The report of the committee of the whole as amended was agreed to.

The question being made on the motion of Mr. Hardeman as to the effect of the previous question, the Chair ruled that the previous question became exhausted upon the vote taken upon agreeing to the report of the committee, from which opinion Mr. Hardeman appealed; and upon the question 'shall the decision of the chair stand as the judgment of the Senate?' the yeas and nays were required to be recorded and are yeas 53, nays 40.

Those voting in the affirmative are Messrs. Adams, Allred, Beall, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Buchanan, Camden, Cantrell, Carlton, Causey, Chastain, Coffee, Colbert, Cone of Bulloch, Cone of Greene, Cumming, Dabney, Dunnagan, Gray, Gibson, Gordon, Hale, Hamilton, Harris of Worth, Hays, Howell, Jamison, King, Lawson of Burke, Long, McGuire, McMillan, Moore of Cobb, Moreland, Morris, Murphy, Patterson of Gilmer, Pharr, Poole, Pope, Reddish, Renfro, Robinson, Rudisill, Sapp, Shropshire, Strickland, Sumner, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Ashe, Atkinson, Beasley, Billups, Brice, Brown of Baldwin, Calhoun, Cannon, Crowder, Dixon, Dupree, Fambro, Guerry, Hardeman, Head, Hill, Hines, Knight, Lott, Maddux, Marshall, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Murray, Newton, Paulk, Ponder, Ragan, Riley,

Simms, Scott, Spalding, Studstill, Swinney, Turner, Wales and Wellborn.

So the judgment of the chair was sustained.

Mr. Wellborn moved the previous question, which being seconded, the main question was ordered to be put, and decided in the affirmative; and the bill was read the third time and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 53, nays 44.

Those voting in the affirmative are Messrs. Adams, Atkinson, Beasley, Billups, Bloodworth, Cannon, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Guerri, Hamilton, Hardeman, Hays, Head, Hill, Hines, Howell, King, Knight, Lott, Maddux, Marshall, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Newton, Nichols, Paulk, Peeples, Ponder, Poole, Ragan, Reddish, Renfroe, Robinson, Sapp, Simms, Scott, Spalding, Studstill, Swinney, Turner, Wales and Wellborn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Beall, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Chastain, Coffee, Colbert, Cumming, Dabney, Dunnagan, Gray, Gibson, Gordon, Hale, Harris of Taliaferro, Harris of Worth, Jamison, Lawson of Burke, Long, McGuire, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Pharr, Pope, Riley, Rudisill, Shropshire, Strickland, Sumner, Ware, Whitaker, White and Wingfield.

So the bill was passed.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order, which was the consideration of the report of the committee of the whole on a bill to facilitate the collection of certain debts.

The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to authorize the Clerks of the Superior and Inferior Courts of Ware county to keep their offices at their residence, if within eight miles of the Court House, and to exempt the Justices of the Inferior Court from all other public duties during their continuance in office.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on the bill to make it penal to cut wood, timber and pine, or to haul off the same from any of the lands in the county of Catawba, without the consent of the owners, or tenants in possession, or agents.

The report was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole; on the bill to incorporate Thomasville Female College; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the acts incorporating the town of Thomasville in the county of Thomas; to grant certain privileges to the same, and to extend its limits.

Mr. Harris of Worth moved to strike out from the 21st section the word "professions," which motion was lost.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to continue in force the tenth section of an act to lay out and form a new county from parts of the counties of Early and Randolph, approved February 16th, 1854; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to divide the offices of Tax Collector and Receiver of Tax returns in the county of Dade.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize Warren Dykes, and infirm man of the county of Worth, to vend goods, &c., in said county, without license or paying tax.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize Azariah Burnett of the county of Dade to practice medicine in said county, &c.

The report of the committee of the whole was agreed to the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of William H. C. Prior, Executor, &c.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to lay out and organize a new county from Floyd and Cartooga.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the

whole on a bill to incorporate Woodland Female College, located in the town of Cedar Town, Georgia, and to confer certain powers on the same.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill "in relation to the publication of the advertisements of the county officers in the county of Taliaferro.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Stephen W. Parker of the county of Chattahoochee.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize the clerks of the Superior and Inferior Courts in Pike county, to appoint a Deputy in the village of Barnesville.

On motion of Mr. Peoples the same was amended by adding the following, to-wit:

And be further enacted, That the clerks of the Superior and Inferior Courts of the county of Clarke, be and they are hereby authorised to appoint each a deputy to reside and keep his papers in Athens, to issue all process and subpoenas and other papers appertaining to their respective offices.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize the endorsers on promissory notes or other instruments, which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered bank, or which may be deposited in any chartered bank for collection, to be sued in the same action with the principal or maker; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to incorporate the City of Americus in the county of Sumter.

Mr. Wales moved to amend by striking out of the 3d section the word "February" and insert the word "March" which was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal a part of the common and statute laws of England, of force in this State, and to change the laws of corporations.

The report of the committee was agreed to, the bill was read third time, and upon the question "Shall this bill now

pass?" the yeas and nays were required to be recorded, and are yeas 24, nays 40.

Those voting in the affirmative are Messrs. Allred, Bloodworth, Buchanan, Cannon, Cantrell, Chastain, Coffee, Dunnagan, Gordon, Hale, Harris of Worth, Jamison, Lawson of Burke, Maddux, McDonald, Moreland, Paulk, Sapp, Shropshire, Studstill, Swinney Ware, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Avery, Beall, Brice, Brown of Gwinnett, Calhoun, Camden, Causey, Colbert, Crowder, Dabney, Dixon, Dupree, Fambro, Gibson, Hamilton, Hardeman, Harris of Taliaferro, Head, Hill, Hines, Howell, Knight, Marshall, McCrimmon, McGuire, McIntosh, McMillan, Moody, Morris, Nichols, Patterson of Gilmer, Peeples, Ponder, Poole, Reddish, Renfro, Riley, Robinson, Rudisill, Scott, Strickland, Turner, Wales, Welborn and Wingfield.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill to compel all persons liable to road duty to perform the same.

On motion the same was amended by striking out the words 'in this State' and inserting the words 'so far as relates to Crawford, Chattahoochee and Clinch.'

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Moore of Lincoln, the rules of the House were suspended, and the following bill of the House was taken up and read the first time, to-wit:

A bill to legalize the election of Henry R. Cody, of the county of Warren, as Ordinary of said county, and to authorize a commission to issue to him.

On motion the Senate adjourned until half-past 9 o'clock to-morrow morning.

TUESDAY, FEBRUARY 19th, 1856.

The Senate met pursuant to adjournment.

Mr. Ashe moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate to lay out and organise a new county from the county of Franklin; which motion was agreed to.

Mr. McMillan moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on the bill to organise and charter a Company under the name and style of the Western and Atlantic Rail-road Company, and

for other purposes ; whereupon the yeas and nays were required to be recorded, and are yeas 44, nays 55.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Coffee, Colbert, Cone of Greene, Cumming, Dabney, Dunnagan, Gray, Gordon, Hale, Harris of Taliaferro, Harris of Worth, Hays, Howell, Landrum, Lawson of Burke, Long, McMillan, Moore of Cobb, Morris, Murphy, Patterson of Gilmer, Pharr, Pope, Riley, Rudisill, Shropshire, Screven, Smith, Strickland, Ware, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Avery, Beall, Beasely, Billups, Bloodworth, Brown of Calhoun, Calhoun, Cannon, Carlton, Causey, Cone of Bulloch, Crowder, Dixon, Dupree, Fambro, Gibson, Guerry, Hamilton, Harde-man, Head, Hill, Hines, Jamison, King, Knight, Lott, Maddux, Marshall, McCrimmon, McDonald, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Nichols, Paulk, Peeples, Ponder, Poole, Ragan, Reddish, Renfroe, Robinson, Roddenberry, Sapp, Simms, Scott, Spalding, Studstill, Sumner, Swinney, Turner, Wales and Wellborn.

So the motion was lost.

Mr. Lawson from the Committee on the State of the Republic to whom was referred that part of the Governor's Message and accompanying documents touching our Federal relations, respectfully submit the following report :

It is not deemed necessary to enter into any elaborate discussion of the Constitutional rights of Georgia as a member of the Federal Union. She has taken her position and announced it to the world. She does not intend to argue with fanaticism, but conscious of her equality with her sister States, and determined, by virtue of her reserved rights, to maintain that equality, she is resolved to resist aggression and let the consequences be upon the heads of those who may impose upon her the necessity of such a course as the only alternative to intolerable disgrace and degradation.

Your committee deprecate the agitation of the Slavery question. But we are not responsible for it. It is thrust upon us. We must meet and drive it back or be overwhelmed.

But dark as is the prospect we are not without some favorable indications for the future. The Chief Magistrate of the Union has taken high grounds, and announced sound constitutional views ; and it is gratifying to see patriotic and national men of the non-slaveholding States nobly sustaining him, they are entitled to the confidence of the South, and we sincerely trust that by their united wisdom and devotion, fanaticism may be checked in its headlong career and the Union rescued from the perils that environ it. They shall have our cordial co-operation in the patriotic effort,

and so long as patience shall be a virtue and endurance compatible with honor, Georgia will hope for 'light out of darkness and order out of confusion.'

But it is our duty to provide for the worst. Such providence will do no harm, in any event, but if the worst must come, we shall have placed ourselves in the best attitude for self-preservation.

I am directed by the committee to report the following bill and ask for its unanimous passage.

A bill to authorise the Governor to call a Convention of the people of Georgia, upon the happening of certain contingences.

Which was taken up and read the first time.

On motion of Mr. Beall the rules of the Senate were suspended, and the Senate took up the following bill of the House of Representatives, and read the same a second time, to-wit :

A bill to legalise the election of Henry R. Cody of the county of Warren as Ordinary of said county, and to authorise a commission to issue to him, and for other purposes.

Also, a bill of the House to alter and change the second section of an act incorporating the Dalton and Gadsden Rail-road Company; which was read the second time.

Also, a bill of the House to explain, and supplementary to an act entitled an act to authorise the Inferior Court of the county of Washington to levy and collect an extra tax for the purpose of building a Court House and Jail, assented to December 22d, 1855.

On motion the rules were suspended, and the following bills were taken up, and on motion the same were indefinitely postponed, to-wit :

A bill to change the management of the Western and Atlantic Rail-road.

A bill to change and locate the north-western terminus of the Western and Atlantic Rail-road.

The Senate took up the special order which was the consideration of the report of the committee of the whole on a bill of the House of Representatives to lay off and organise a new county from the counties of Lowndes, Irwin and Coffee to be called Berrien county, to attach the same to the Southern Judicial Circuit, to the first Congressional District, 2d Brigade, sixth Division, G. M.

The report of the committee of the whole was agreed to, the bill was read the third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 64, nays 21.

Those voting in the affirmative are Messrs. Allred, Ashe, Atkinson, Avery, Beall, Beasley, Bloodworth, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Calhoun, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone

of Greene, Cumming, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Head, Hill, Hines, Howell, Jamison, King, Knight, Lawson of Burke, Lott, McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Cobb, Morris, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Paulk, Peeples, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Screven, Studstill, Sumner, Swinney, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Buchanan, Camden, Cannon, Cantrell, Colbert, Crowder, Dixon, Dunningan, Fambro, Gray, Gordon, Hale, Harris of Taliaferro, Maddux, Marshall, McGuire, Moore of Lincoln, Moreland, Shropshire, Strickland and Wales.

So the bill was passed.

On motion the rules were suspended and the following bill of the House of Representatives was taken up, and read the second time, to-wit :

A bill to lay out a new county from Baker and Early.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole on a bill of the House of Representatives to lay out and organise a new county from the counties of Thomas and Lowndes, and for other purposes.

On motion the first section was amended by striking out the word 'February,' and insert the word 'April.'

On motion the same was further amended by adding the following, to-wit :

"To where the river crosses the dividing line between lots of land No. 443 and 444 in the 9th district, thence south to the district line between the 9th and 12th districts.

On motion the 8th section was amended by striking out the words 'in May and November,' and insert in lieu thereof the words, 'before the first Mondays in June and December.

The report of the committee as amended was agreed to, the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 52, nays 28.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Beasley, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Cumming,

Dabney, Dupree, Gordon, Guerry, Hamilton, Harris of Worth, Hays, Head, Hill, Hines, Jamison, King, Knight, Lott, McCrimmon, McDonald, Moody, Murphy, Newton, Nichols, Patterson of Gilmer, Paulk, Ponder, Poole, Ragan, Reddish, Renfro, Riley, Robinson, Sapp, Screven, Studstill, Sumner, Swinney, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Allred, Buchanan, Camden, Cannon, Cantrell, Colbert, Crowder, Dixon, Dunnagan, Fambro, Gray, Gibson, Hale, Harris of Taliaferro, Landrum, Maddux, McGuire, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Peebles, Rudisill, Shropshire, Smith, Spalding, Strickland and Wales.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to incorporate a Bank in the town of Hamilton, 'The Bank of Hamilton.'

On motion of Mr. Cone of Greene, the 3rd section was amended by inserting after the word 'twenty' the word 'five'; which motion was agreed to.

On motion of Mr. Hill the 3rd section was amended by adding the following, to-wit :

"And it shall be the duty of said Commissioners to have the amount of specie so paid in counted by the Ordinary of said county, who shall give his certificate that the amount has been paid in, and record the same in his office.

On motion of Mr. Hill the 4th section was amended by adding the following, to-wit : 'said Directors to be citizens of the State of Georgia.'

On motion of Mr. Hill the 10th section was amended by adding the following, to-wit :

'Actually paid in, in gold and silver coin, and a violation of this section shall work a forfeiture of all the rights and privileges granted by this act.

On motion of Mr. Hill the 13th section was amended by adding the following, to-wit :

'Shall ever be diminished, either by declaring dividends or in any other way, unless hereafter authorised by law, the charter of said Bank shall be forfeited and the rights and privileges granted by this act shall cease to exist.'

On motion of Mr. Hill the 17th and 18th sections were stricken out, and the following added in lieu thereof, to-wit :

'And the contracts made by its agents duly authorised shall be binding upon said corporation.'

Sec. 18th. That it shall not be lawful for any of the Stockholders of said Bank to transfer any of said stock to any person not a citizen and resident of this State, and if any stock shall be so transferred the same shall be forfeited to the State, and the same shall be transferred on the book of said Bank to the State, by the officer of said Bank authorised to make transfer of stock upon satisfactory proof that

such stock has been so transferred to any person not a citizen or resident of this State.

Sec. 19th. The person and property of the Stockholders in said Bank shall be pledged and bound in proportion to the amount of the shares that each individual or company may hold in the same for the ultimate redemption of said bills or notes, issued by or from said Bank during the time, she or they may have held such stock in the same manner as in common criminal cases, and no one shall subscribe for or purchase stock in said Bank, unless he or she be a citizen of Georgia. The private or individual property of each stockholder, as well as their joint property shall be liable as before stated for the redemption of the bills of said bank, and for the payment of all the debts and liabilities of the same, and when any judgment shall be obtained against said bank, and execution issued thereon, it shall be the duty of the levying officer first to levy the same on the property of said corporation, and to sell the same, and if the proceeds thereof shall be insufficient to pay off said execution; and the return of said officer of no corporate property shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any Stockholder or Stockholders and sell the same until an amount is raised sufficient to pay off said execution, each Stockholder only to be liable in proportion to the amount of his stock, and that any stockholder who pays off any such execution or a part thereof, shall have the right to use and control the same *fi fa* against all the other stockholders, so as to collect the rateable share out of each of them.

Sec. 20th. *And be it further enacted*, That the office for the transaction of the business of said Bank shall be located in the town of Hamilton, Harris county, Georgia.

On motion of Mr. Screven the following was added as an additional section, to-wit :

And be it further enacted, That if said Bank be not organised and commence business within two years from the passage of this act, the privileges hereby conferred shall be forfeited.

Mr. Cone of Greene moved to amend the 19th section by inserting after the word 'execution' the following: 'and judgment obtained against said bank by any creditor shall not only bind the property of said Bank, but shall also bind the individual property of each Stockholder. to the amount of the entire indebtedness of said bank without the necessity of bringing any suit against the Stockholders, and service of a copy in substance of the declaration and process upon the President or Cashier of said Bank shall be adjudged sufficient service and notice, both of said Bank and of each Stockholder therein, to render the property of said Bank and the individual property of each Stockholder there-

in subject and liable for the payment of any judgment which may be rendered against said Bank, each Stockholder to be liable to the amount of the entire indebtedness of said Bank in proportion to the amount of his Stock.

On motion of Mr. Cone of Greene the following amendments were adopted as additional sections to said bill, to-wit:

It shall be the duty of the President and Cashier within six months after said bank goes into operation to make out a statement of the condition of said bank, and a list of its Stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said bank, and the kind and character of the funds of which it is composed, and also the amount of indebtedness of said bank, and the character of said indebtedness, which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers of Columbus and Hamilton for two successive weeks; and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for twenty days shall cause a forfeiture of all the rights and privileges granted by this act.

Those who were stockholders of said bank at the time a list of the stockholders was advertised next before the failure of said bank to redeem its notes on demand, or pay any other debts on demand, shall be held, considered and taken as stockholders at the time of such failure, and shall be liable as stockholders according to the provisions of this act, and shall be liable to execution according to the provisions of this act.

The report of the committee of the whole as amended was agreed to, the bill was read the third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 48, nays 28.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Beasely, Billups, Brown of Baldwin, Buchanan, Calhoun, Camden, Chastain, Coffee, Cone of Greene, Crowder, Dixon, Dupree, Gordon, Hardeman, Harris of Worth, Hill, Hines, Jamison, Knight, Landrum, Lott, Marshall, McDonald, McGuire, Moody, Moore of Lincoln, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Ragan, Robinson, Rudisill, Sapp, Simms, Scott, Screven, Spalding, Studstill, Swinney, Turner, Wales and Whitaker.

Those voting in the negative are Messrs. Allied, Avery, Beall, Bloodworth, Brown of Calhoun, Brown of Gwinnett, Cannon, Cantrell, Causey, Cone of Bulloch, Dabney, Dunnagan, Fambro, Gray, Guerrey, Hale, Hamilton, Harris of Taliaferro, King, Moreland, Paulk, Reddish, Shropshire, Smith, Strickland, Sumner and White.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to change the line of Wilkinson and Baldwin county, &c.

Mr. Swinney offered the following as an additional section, which was agreed to, to-wit:

And be it further enacted by the authority of same, That lots of land No. 159 and 160 in the 13th district of Lee county, containing the residence of Matthew Williams be and they are hereby added to the county of Terrell.

Mr. Brown of Baldwin offered the following as an additional section, which was agreed to, to-wit:

And be it further enacted, That the line between the counties of Jones and Baldwin be so changed as to include the residence of John T. Bivens and Lewis Bagley now in the county of Jones in the county of Baldwin.

Mr. Riley offered the following as an additional section, which was agreed to, to-wit:

And be it further enacted, That the line between the counties of Taylor and Marion shall be as follows, to-wit: Said line shall extend due west from the present line to the north-west corner of lot of land No. 225 in the 11th district of originally Muscogee now Marion county, thence due south to the south-west corner of lot of land 250 of said district, thence along the line of said lot to the south-east corner of the same, thence south to the south-west corner of lot No. 264 in said district, thence east to the south-east corner of same lot, thence south to the south-west corner of lot 280, thence due east to the original line of Taylor county, and also the line shall be further changed so as to include all that portion of lot of land No. 214 in third district now in Marion county in the county of Taylor, so as to include the residence of Jeremiah Wilchar.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed under the following title, to-wit:

.A bill to change the lines between certain counties therein named.

The Senate took up the report of the committee of the whole on a bill to incorporate Appalachee Mining Company,

Mr. Peoples offered the following additional section, which was agreed to, to-wit:

And be it further enacted, That the office of said company for the transaction of business shall be at Lawrenceville, Geo.; the report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill entitled an act amendatory of an act entitled an act to incorporate the Trustees of the Masonic Hall in Milledgeville; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to define more effectually the duties of Brigade Inspectors, and to regulate their pay.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

Mr. Hardeman from the committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate an act to point out the mode of ascertaining the relief and support to which widows and orphans are entitled out of the estates of their deceased husbands and parents in cases where letters testamentary or of administration shall be hereafter granted.

Also, an act to compensate Grand and Petit Jurors of the counties of Catoosa and Polk.

Also, an act to incorporate a Bank in the town of Athens to be called 'The Bank of Athens.'

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to provide for the election of trustees for Effingham County Academy, and for other purposes.

A bill to be entitled an act to extend certain privileges to James E. Smith of the county of Clay and for other purposes.

A bill to be entitled an act to provide for paying the Delegates sent by the authority of the State of Georgia to the Convention of the people of the slaveholding States held at Nashville in January, 1850.

A bill to be entitled an act to authorise the Treasurer of this State to pay to the Ordinary of Emanuel county the sum of sixty-one dollars balance due said county for poor school purposes.

A bill to be entitled an act to authorise the Justices of the Inferior Court of Charlton county to levy an extra tax for county purposes.

A bill to be entitled an act to repeal so much of the law in reference to change bills as makes it the duty of Judges of the Superior Courts to give the act passed 10th December, 1841, in special charge to the Grand Juries.

A bill to be entitled an act to authorise the Governor and Comptroller General to correct mistakes of Receivers and Collectors of taxes, or of any tax-payer whereby more money is paid into the Treasury than is required by law, to refund the same, and for other purposes therein named.

A bill to be entitled an act for the relief of William H. Clarke of the county of Camden.

A bill to be entitled an act to compensate Dr. Bedford J.

Head for medical services rendered to the citizens of Oglethorpe during the prevalence of small-pox in said city.

They have also concurred in the amendments of the Senate to the following bills of the House, to-wit :

A bill to be entitled an act to alter and change the name of the county of Kinchatonee ; and for other purposes therein specified.

A bill to be entitled an act to appropriate one hundred dollars to be refunded to Samuel Walker of Fulton county, who paid that amount over and above his lawful tax to the State in 1854, and other persons therein named.

A bill to be entitled an act to change the lines between the counties of Randolph and Calhoun.

A bill to be entitled an act for the relief of Mary W. Gresham formerly Mary W. Triplett of Wilkes county.

The Senate took up the report of the committee of the whole on a bill to define more clearly the liability of all Rail road companies in this State, and for other purposes.

Mr. Nichols moved to postpone the same indefinitely, which motion was lost.

Mr. Buchanan moved to amend the same by adding the following proviso to the first section, to-wit :

“Provided that any rail road company shall be entitled to reasonable compensation for the storage of the said freight;” which motion was lost.

Mr. Scriven moved to insert after the words “is deposited” in the first section, the words “and receipted by the company or their agent,” which was agreed to.

Mr. Peeples offered the following additional section, which was agreed, to-wit :

And be it further enacted by the authority aforesaid, That all freight bills or freight lists charged against or to be collected out of any person for whom a rail road shall carry freight in this State, shall contain the items of freight charged in said bill or freight lists, by some certain and specific description before they shall be collectable.

The report of the committee of the whole as amended was agreed to, the bill was read the third time, and upon the question “Shall this bill now pass?” the yeas and nays were required to be recorded, and are yeas 41, nays 42.

Those voting in the affirmative are Messrs. Allred, Beasley, Bloodworth, Camden, Cannon, Cantrell, Cone of Greene, Crowder, Dixon, Fambro, Harris of Worth, Head, Hill, Jamison, King, Landrum, Lott, Maddux, Marshall, McCrimmon, McDonald, McGuire, Moore of Lincoln, Moreland, Morris, Newton, Paulk, Peeples, Poole, Ragan, Reddish, Renfroe, Robinson, Sapp, Simms, Scott, Strickland, Sumner, Turner, Ware and White.

Those voting in the negative are Messrs. Ashe, Atkinson, Avery, Beall, Brice, Brown of Calhoun, Brown of

winnett, Buchanan, Calhoun, Carlton, Causey, Chastain, Coffee, Colbert, Cumming, Dunnagan, Dupree, Gray, Gordon, Griffin, Guerry, Hale, Hamilton, Hardeman, Harris, Talliaferro, Hays, Knight, McIntosh, McMillan, Moody, Moore of Cobb, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Riley, Rudisill, Shropshire, Swinney, and Whitaker.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill to compel parties to pay extra costs in certain cases.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to reduce the Sheriffs' bond of the county of Dickens.

On motion the same was postponed indefinitely.

On motion the Senate took up the following bill, and read the same a second time, to-wit:

A bill to incorporate the town of Weston.

Mr. Harris of Worth moved that the Senate adjourn.

Whereupon the yeas and nays were required to be recorded and are yeas 20, nays 54.

Those voting in the affirmative are Messrs. Brown of Winnett, Buchanan, Calhoun, Dahney, Guerry, Harris of Talliaferro, Harris of Worth, King, Knight, Lott, Moore of Cobb, Moore of Lincoln, Moreland, Murphy, Murray, Nichols, Poole, Robinson, Shropshire and Swinney.

Those voting in the negative are Messrs. Ashe, Avery, Beall, Bloodworth, Brice, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Colbert, Cone of Greene, Crowder, Dixon, Dunnagan, Fambro, Gray, Gordon, Griffin, Hale, Hamilton, Hardeman, Hays, Head, Hill, Maddux, Marshall, McCrimmon, McDonald, McGuire, McIntosh, Moody, Morris, Newton, Patterson of Gilmer, Paulk, Peeples, Pharr, Ponder, Pope, Ragan, Reddish, Renfroe, Riley, Sapp, Simms, Scott, Screven, Strickland, Turner, Ware, Whitaker and White.

So the motion was lost.

On motion of Mr. Guerry, Messrs. Camden and Rudisill were added to the Committee on Enrollment.

The Senate took up the report of the committee of the whole on a bill to amend certain sections of an act amending the act incorporating the town of Calhoun.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment and took up the regular order, which was the consideration of the report of the committee of the whole on a bill for the relief of Robert G. Ford of the county of Worth.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to prevent free negroes from owning waggons and teams in their own right, and contracting for carrying freights, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill for the relief of Geo. M. Hodges and Josiah Hill of the county of Macon

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on a bill to authorize the Justices of the Inferior Court to lay off the county of Floyd into school districts.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to add the county of Irwin to the 2d Congressional district of the State of Georgia.

On motion of Mr. Paulk the same was laid on the table for the balance of the Session.

The Senate took up the report of the committee of the whole, on a bill to amend the second section of an act entitled an act to prevent damages arising from dams or banks, and for preventing persons from stopping the natural course or courses of water to the injury of their neighbors, approved Sept. 29th, 1773.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on a bill to define and extend the powers of Union Society of the city of Savannah.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on a bill to make parties in the Supreme Court, and for other purposes; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to authorize Pliny Sheffield, a minor, to receive property, and to contract and be contracted with, as if he were of full age.

On motion of Mr. Knight, the same was indefinitely postponed.

The Senate took up the report of the committee of the whole, on a bill to change the times of holding the Superior and Inferior Courts of the county of Early.

On motion of Mr. Guerrey, the following words were stricken from the first section, to-wit :

“The Superior Courts of the county of Early, shall be held on the third Mondays in March and September, in each and every year.”

Mr. Cone of Greene offered the following additional section, which was agreed to, to-wit :

And be it further enacted, That the Superior Courts of the county of Warren, shall be held on the first Mondays of April and October, in each year, except when the first Monday in October shall be the day of the General election, and that the said court shall be held on the Tuesday thereafter, and said Court shall continue for two weeks if it shall be necessary for the transaction of the business of said Court.

It shall be the duty of the Justices of the Inferior Court of said county, or a majority of them, on the second Monday in March next, to draw from the jury boxes of said county, forty-eight men to serve as Petit Jurors, and thirty-six men to serve as Grand Jurors for the second week of said Court, who shall be summoned in the same manner as other Jurors, and be subject to the same penalties for non attendance as Jurors are now by law subject—and when the persons so summoned are empanelled as Jurors, they shall be in all respects legal Jurors.

Mr. Hill offered the following additional section, which was agreed to, to-wit :

Be it further enacted, That the times of holding the Superior Courts of Chattahoochee County, shall be on the 4th Mondays of May and November, and all jurors, witnesses, or other persons now compelled to attend said Court by writ, process, bond, or other instrument, are required to attend the Courts of said county, at the times specified by this act.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed under the following title, to-wit :

A bill to change the time of holding the Superior Courts in the county of Early, and for other purposes.

The Senate took up the report of the committee of the whole on a bill to give to persons furnishing boards and other materials for building, a lien and encumbrance on the houses in which the materials so furnished have been used, so far as relates to the city of Savannah.

On motion of Mr. Screven the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill in relation to measurers of Timber.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to prescribe an additional mode, other than certiorari for removing cases from any Justices Court.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill for the relief of Henry Medora Arnold, wife of John B. Arnold of Glynn county.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion leave of absence was granted to Messrs. Gray and Reddish.

On motion of Mr. Cone of Greene, the use of the Senate Chamber was granted to Mr. Pitts, of Nashville, for this evening, for the purpose of delivering a lecture.

On motion of Mr. Lawson, the Senate adjourned until half past 9 o'clock, to-morrow morning.



WEDNESDAY, FEBRUARY 20th, 1856.

The Senate met pursuant to adjournment.

On motion the reading of the journals was suspended, to be resumed next morning; when the following message was received from the House of Representatives, through Mr. Speer their Clerk:

Mr. President—The House have passed the following resolutions in reference to the death of Matthew E. Cunningham of Forsyth, to which they ask the concurrence of the Senate, and have appointed as a committee on their part, to attend the remains of the deceased to his family, Messrs Julian of Forsyth and Graham of Lumpkin.

On motion of Mr. Dunnagan the message of the House was taken up, and the following resolutions, were read and unanimously agreed to, to-wit:

Resolved, That it is with sincere regret we have to mourn the decease of our friend and fellow member, Matthew E. Cunningham, Representative from the county of Forsyth.

Resolved, That we deeply sympathize with the family of the deceased in this their irreparable bereavement, and that a committee of two from each of the General Assembly be appointed to accompany his remains to his family.

Resolved, That we will wear the usual badge of mourning during the remainder of the Session, and that a copy of

these resolutions be transmitted to the family of the deceased.

Resolved, That the General Assembly do now attend the remains of the deceased from his present boarding house and from thence to the depot.

On motion of Mr. Dunnagan, Messrs. Moore of Cobb and Gray of Paulding, were appointed on the part of the Senate, to join the committee of the House, in attending the remains of the deceased Representative from Forsyth to his family.

On motion the Senate adjourned until half past nine o'clock to-morrow morning.

THURSDAY, FEBRUARY 21st, 1856.

The Senate met pursuant to adjournment.

Mr. Peeples moved to reconsider, so much of the journal of the 19th inst., as related to the action of the Senate, on a bill to define the liabilities of Railroads, which motion was agreed to.

Mr. Jeter moved to reconsider so much of the Journal of the 19th inst., as related to the action of the Senate on a bill to add the county of Irwin to the second Congressional District, whereupon the yeas and nays were required to be recorded, and are yeas 39, nays 47,

Those voting in the affirmative are Messrs. Adams, Beall, Brown of Gwinnett, Camden, Cantrell, Chastain, Coffee, Cumming, Dabney, Gibson, Griffin, Guerry, Hale, Hamilton, Hays, Head, Howell, Jamison, Jeter, Lawson of Burke, Long, Lott, Matthews, McDonald, Morris, Murphy, Newton, Nichols Patterson of Gilmer, Ponder, Poole, Sapp, Shropshire, Smith, Strickland, Studstill, Whitaker, White, and Wingfield.

Those voting in the negative are Messrs. Allred, Ashe, Atkinson, Beasley, Billups, Bloodworth, Brice, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Cannon, Carlton, Causey, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dunnagan, Fambro, Gordon, Hardeman, Harris of Taliaferro, Knight, Maddux, Marshall, McCrimmon, McGuire, McIntosh, Moody, Moore of Lincoln, Moreland, Murray, Peeples, Pharr, Reddish, Riley, Roddenberry, Rudisill, Simms, Scott, Spalding, Sumner, Swinney, Turner, Wales, and Wellborn.

So the motion to reconsider was lost.

Mr. Cone of Greene offered the following resolution, which was agreed to.

Resolved, That W. S. Moore shall be, and he is hereby appointed a special messenger of the Senate, whose duty it

shall be to receive from the enrolling committee all bills that have been signed by the Clerk and Speaker of the House of Representatives, the President and Secretary of the Senate, and transmit the same forthwith to the Governor by his own hand.

Mr. Screven from the committee on Internal Improvements, to whom was referred the bill to incorporate the St. Marys and Gulf Railroad company, reported the same with the following amendment and recommended the passage of the same.

Strike out the words "and Gulf" after the word "St. Mary's", from the the first section.

Amend the fourth Section by inserting after the word Banking "an exemption from taxation."

On motion of Mr. Scriven, the Senate took up the report of the committee of the whole on the bill to incorporate the St. Mary's and Gulf rail road company.

Mr. Scriven moved to amend the first and fourth sections of the bill, by receiving the amendments reported - by the committee on Internal Improvements which motion was agreed to.

Mr. Screven offered the following amendment, as an additional section, which was agreed to:

And be it further enacted, That in the event of a connection of the St. Mary's Railroad with the Brunswick and Florida Railroad, the Savannah, Albany and Gulf Railroad company shall be, and is hereby authorized to connect its line of road by means of a branch with said St. Mary's rail road.

The report of the committee as amended was agreed to, the bill was read the third time and passed under the title thereof.

Leave of absence was granted to Messrs. Brown of Calhoun, Sumner, Peebles and Gibson.

The Senate took up the report of the committee of the whole on the bill to alter and change the second section of an act incorporating the Dalton and Gadsden Rail Road company.

Mr. Shropshire moved to amend said bill by adding the following proviso at the end of the third section:

"Provided that all stockholders be released from all liability whatsoever, from the stock which they have subscribed for in the said Dalton and Gadsden Railroad company before the passage of this amendatory act." The motion was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 75, nays 10.

Those voting in the affirmative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Beasely, Bloodworth, Brice,

Brown of Baldwin, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gordon, Griffin, Hale, Hamilton, Hardeman, Harris of Taliaferro, Hays, Head, Hill, Howell, Jamison, Jeter, Knight, Lawson of Burke, Long, Lott, Maddux, Marshall, Matthews, McDonald, McMillan, Moore of Lincoln, Moreland, Morris, Murray, Newton, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Reddish, Renfroe, Robinson, Roddenberry, Rudisill, Shropshire, Screven, Smith, Spalding, Sumner, Swinney, Turner, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Camden, Gibson, Landrum, McGuire, Moody, Peeples, Riley, Sapp, Simms and Scott.

So the bill was passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to legalize the election of Henry R. Cody of the county of Warren, as Ordinary of said county, and to authorize commission to issue to him, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to lay out and organize a new county from Baker and Early.

Mr Sapp of Baker moved to strike out so much of said bill as refers to Baker County.

On this motion the yeas and nays were required to be recorded, and are yeas 30, nays 48.

Those voting in the affirmative are Messrs. Billups, Bloodworth, Brown of Gwinnett; Camden, Cannon, Cantrell, Carlton, Causey, Chastain, Crowder, Dixon, Dunnagan, Dupree, Hale, Hamilton, Harris of Taliaferro, Hill, Maddux, Marshall, McGuire, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Gilmer, Peeples, Pharr, Sapp, Shropshire, Sumner, and Whitaker.

Those voting in the negative are Messrs. Adams, Allred, Ashe, Atkinson, Beall, Brice, Brown of Calhoun, Buchanan, Calhoun, Cone of Bulloch, Cone of Greene, Cumming, Dabney, Fambro, Griffin, Hays, Head, Howell, Jamison, Jeter, Knight, Long, Lott, Matthews, McGrimmon, McDonald, McMillan, Newton, Nichols, Ponder, Poole, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Simms, Screven, Smith, Strickland, Studstill, Swinney, Wales, Wellborn and White.

So the motion was lost.

Mr. Sapp then moved to lay the bill on the table for the balance of the Session; which motion was lost.

On motion of Mr. Atkinson, the bill was amended by adding the words, "and the said county shall be attached to the Pataula," after the word "same," and before the words of "Judicial Circuit," in the first section of said bill.

On motion of Mr. Cone of Greene, the second section of said bill was amended by adding at the end of said section the following words, to-wit :

"The Justices of the Inferior Court shall hold their offices until the first Monday in January 1857; the tax collector and receiver until the first Monday in January 1857; the Clerks of the Superior and Inferior Courts, the Sheriff, Coroner and County Surveyor, until the first Monday in January 1858; and the Ordinary of said county until the first Monday in January 1860, and until their successors are elected and qualified."

The report of the committee as amended was agreed to; the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 50 nays 34.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Beall, Brice, Brown of Baldwin, Brown of Calhoun, Calhoun, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Dabney, Griffin, Hamilton, Hardeman, Hays, Head, Howell, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Newton, Nichols, Patterson of Gilmer, Ponder, Poole, Ragan, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Scriven, Smith, Studstill, Swinney, Wellborn and White.

Those voting in the negative are Messrs. Allred, Avery, Billups, Bloodworth, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Crowder, Dixon, Dunnagan, Dupree, Fambro, Hale, Harris of Taliaferro, Hill, Maddux, Marshall, McGuire, Moore of Lincoln, Moreland, Morris, Murray, Peeples, Pharr, Sapp, Shropshire, Strickland, Sumner, Turner, Wales and Whitaker.

So the bill was passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President : The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to incorporate Reener's Camp Ground of the Methodist Episcopal Church South, in the county of Rabun, and to confer certain powers and privileges upon the same.

A bill to be entitled an act to amend the third section of an act, entitled an act to amend the several acts relating to the Court of Oyer and Terminer of the city of Savannah; and for other purposes therein named.

A bill to be entitled an act to change the time of holding

the Superior Courts in certain counties therein mentioned, and for other purposes therein specified.

A bill to be entitled an act to authorize the Inferior Court of Muscogee county, to sell the lot on which the county Jail now stands; and to erect another upon some location to be by it selected.

A bill to be entitled an act to incorporate Mount Hope academy in Muscogee county, near Flat Rock Camp Ground, and to appoint trustees for the same.

A bill to be entitled an act for the relief of Frances Murray late wife of James Murray.

A bill to be entitled an act to amend the charter of trustees of the Presbyterian Church, and Washington, Female seminary, granted by act of December 19th, 1827, and amended by act of December 31st, 1838; and for other purposes.

A bill to be entitled an act to authorize James McCauley of Catoosa county, to erect and keep up a mill dam across Chickamaugue Creek.

A bill to be entitled an act for the relief of Mary Elizabeth Hone, the wife of Benjamin Hone of Randolph county.

A bill to be entitled an act for the relief of John B. Griffin of the county of Kinchasafoonee.

A bill to be entitled an act to alter and change the time of holding the Inferior Courts of the county of Henry.

A bill to be entitled an act to incorporate a stock company to be called the Chattahoochee Iron Works, and for other purposes.

A bill to be entitled an act to authorize the Governor to draw his warrant upon the Treasury for thirty dollars and thirty-seven and a half cents. in favor of Copeland, Harris & Co., being the amount overpaid by them for taxes to the State.

A bill to be entitled an act to incorporate the Dalton Brass Band in the town of Dalton, county of Whitfield.

A bill to be entitled an act to incorporate Pierce's chapel in the county of Richmond.

A bill to be entitled an act to incorporate the Stony Point mining company of Georgia.

A bill to be entitled an act to authorize the Inferior Court of the county of Telfair, to open a poll or election at the Court House, and the several precincts in the said county, on the question of removal of the county site; and for carrying out the will of the majority.

A bill to be entitled an act to change the name of the Talbotton Female academy in Talbot county Georgia, located at Talbotton, to that of Levert College, to incorporate the same and to confer certain powers upon the board of trustees therein named.

A bill to be entitled an act to amend an act entitled an

act to incorporate the town of Carrollton, in Carroll county, approved 22d December 1829, and for other purposes.

A bill to be entitled an act to alter, change and amend an act entitled an act to incorporate the town of Decatur in the county of DeKalb, assented to December 10th, 1823.

A bill to be entitled an act to change the County lines between Cass and Gordon, and between Gordon and Murray, and other counties therein named, and for other purposes.

A bill to be entitled an act to alter the law in relation to interest on money, approved 17th Dec., 1845,

A bill to be entitled an act to compensate the petit jurors of the county of Lincoln, and to dispose of certain monies in Lee county, as herein provided.

A bill to be entitled an act to incorporate the trustees of Enon Church of the county of McIntosh, and certain Camp-Grounds, and churches therein mentioned.

The House of Representatives insist upon their amendments to the bill of the Senate, to be entitled an act to change the residence of Frederick Merit, Sr., from the county of Coffee to the county of Irwin; and to alter and change several other lines therein named, to-wit:

To strike out the 4th section of said bill. Also upon the amendment relative to the lines between the county of Harris and Troup. And also, upon the amendment changing the line between the counties of Dooly and Houston.

Mr. Moore from the committee on enrollment, reported as, duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to incorporate the Hightower mining company of Georgia.

An act for the relief of Mary W. Grisham, formerly Mary W Triplett of Wilkes county.

An act to alter and change the name of the county of Kinchafoonee, and for other purposes therein specified.

An act to amend an act entitled an act to incorporate the village of Ringold in Walker now Catoosa county, approved December 27th 1847, to define the boundary of said incorporation, and to confer certain powers upon the commissioners of said village.

An act for the relief of Spencer Caldwell of the county of Clay.

An act to appropriate one hundred dollars to be refunded to Samuel Walker of Fulton County, who paid that amount over and above his lawful tax to the State in 1854, and other persons therein named.

Also as duly enrolled and ready for the signature of the President of the Senate,

An act to change the time of holding the Superior Courts

of certain counties therein named, and for other purposes.

Mr. Moore of Lincoln, from the committee on enrollment, reported as duly enrolled and signed by the Speaker of the House Representatives, and ready for the signature of the President of the Senate,

An act to change the lines between the counties of Randolph and Calhoun, and for other purposes therein mentioned.

Mr. Hardeman from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate,

An act to incorporate the town of Brunswick in the county of Glynn, to define its jurisdictional limits, to provide for the election of the Mayor and city council, and such other officers as may be required, and confer upon them special power, and for other purposes therein mentioned.

Also an act to change the time of holding the Superior Courts of certain counties therein named and for other purposes therein mentioned.

On motion of Mr. Long the order was suspended, and the Senate took up the report of the committee of the whole on the bill of the House of Representatives, to appropriate money to the Lunatic Asylum.

On motion of Mr. Long, the same was made the special order of the day for to-morrow.

On motion of Mr. Ashe, the order was further suspended, and the Senate took up the re-considered bill, to lay out and organize a new county from the county of Franklin.

On motion of Mr. Peebles the same was amended by adding the following as an additional section, to-wit :

"And be it further enacted, That the officers of the new county of Cleaveland may be sworn, and take the oaths of their respective offices, before any Justice of the Peace of said new county.

The report of the committee as amended was agreed to the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 50, nays 36.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Bloodworth, Brice, Brown of Baldwin, Cantrell, Carlton, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Dabney, Gordon, Griffin, Guerry, Hale, Harris of Taliaferro, Head, Jamison, Knight, Lawson of Burke, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Murray, Newton, Nichols, Patterson of Gilmer, Peebles, Ponder, Poole, Ragan, Reddish, Roddenberry, Screven, Strickland, Studstill, Swinney, Welborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Allred, Avery,

Beasely, Billups, Buchanan, Camden, Cannon, Causey, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gibson, Hamilton, Hardeman, Hill, Howell, Jeter, Landrum, Maddux, Marshall, Moore of Lincoln, Moreland, Morris, Renfroe Riley, Robinson, Rudisill, Sapp, Simms, Scott, Smith and Wales.

So the bill was passed.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Lawson of Burke, the rules were suspended and the following bill from the House of Representatives was taken up, and read the first time, to-wit:

A bill to compensate Dr. Bedford J. Head for medical services rendered to the citizens of Oglethorpe during the prevalence of the Small Pox in said city.

The rules being suspended on motion of Mr. Moore of Lincoln, the following bills from the House of Representatives was taken up and read the first time, to-wit:

A bill to authorize the Governor and Comptroller General to correct mistakes of Receivers and Collectors of taxes, or of any tax payer whereby more money is paid into the Treasury than is required by law, and to refund the same.

A bill to endow the Southern Botanic Medical College at Macon, Georgia.

A bill to authorize the Ordinary of Twiggs county, to grant letters of guardianship to Daniel W. Shine.

The rules being further suspended, on motion of Mr. Rudisill, the following bill from the House of Representatives, was taken up and read the second time, to-wit:

A bill to explain and supplementary to an act entitled "an act to authorize the Inferior Court of the county of Washington to levy and collect an extra tax for the purpose of building a Court House and Jail, assented to December 22d 1855."

On motion of Mr. Gibson the rules were suspended and the Senate took up the report of the committee of the whole upon the bill to amend an act entitled an act to authorize Mrs. Elizabeth Montfort to erect a mill dam across Flint river, in the county of Crawford, upon certain conditions, assented to December 14th, 1849, and to provide a more adequate remedy for the abuse of said franchise.

Mr. Gibson moved to strike out all after the enacting clause, and insert the following, which was agreed to, to-wit:

Whereas, by the provisions of an act passed by the Legislature of the State of Georgia, approved December 14th, 1849, granting to Elizabeth Montfort the right to erect a mill dam across Flint river in the county of Crawford; and whereas, said act provided among other things, that Bartley McCrary and Jesse Cason, of the county of Crawford, were appointed commissioners to keep open said mill dam for the free passage of fish, &c.; and whereas, the said Jesse Cason having removed beyond the limits of this State, and the said Bartley McCrary having failed to discharge the duty assigned him to the satisfaction of the citizens above the said mill dam,

Section 1st, *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That Daniel Weathers and Charles L. Smith of the county of Talbot, Jesse C. McCord of the county of Upson, Bartley McCrary and C. C. Cleavlin of the county of Crawford, Daniel Denham of the county of Upson, and George Evans of the county of Talbot, be and they are hereby appointed commissioners, with full power to do and perform all such matters and things as to carry out the provisions of the before recited act, in as full and ample manner as the said Bartley McCrary and Jesse Cason had the right to do under the provisions of said act.

Sec. 2d, *And be it further enacted,* That should said commissioners refuse to act, or any vacancy occur by removal or death, it shall be the duty of the Justices of the Inferior Court of the county in which the vacancy may occur, to appoint commissioners upon complaint made before them, or either of them, that the provisions of the act granted as aforesaid has not been complied with, it shall be the duty of said commissioners last appointed, or to be appointed according to the provisions of this act, to open the said mill dam and keep the same open according to the true intent and meaning of the said franchise granted as aforesaid. All laws and parts of laws militating against this act is hereby repealed.

Mr. Pope moved to postpone the bill and amendments indefinitely.

Whereupon the yeas and nays were required to be recorded, and are yeas 61, nays 24.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Avery, Beall, Billups, Bloodworth, Brice, Brown of Calhoun, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cantrell, Causey, Coffee, Cone of Bulloch, Cone of Greene, Dabney, Dunnagan, Gordon, Griffin, Hale, Hamilton, Hays, Head, Howell, Jamison, Jeter, Landrum, Lawson of Burke, Lott, Matthews, McDonald, McGuire, McIntosh, Moody, Moore of Lincoln, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Pope.

Ragan, Renfro, Robinson, Rudisill, Sapp, Shropshire, Simms, Screven, Smith, Spalding, Strickland, Sumner, Swinney, White and Wingfield.

Those voting in the negative are Messrs. Adams, Brown of Baldwin, Carlton, Chastain, Crowder, Cumming, Dixon, Dupree, Fambro, Gibson, Hardeman, Harris of Taliaferro, Maddux, Marshall, McCrimmon, McMillan, Moreland, Newton, Scott, Studstill, Turner, Wales and Whitaker.

So the motion prevailed.

The Senate took up the report of the committee of the whole on a bill to amend an act approved December 17, 1847, so as to require all parties desiring to take testimony in conformity with said act, to give ten days notice to the opposite party.

On motion of Mr. Hill the same was referred to a special committee consisting of Messrs. Hill, Cone of Greene and Beall.

On motion of Mr. Jeter, the rules were suspended and the Senate took up the report of the committee of the whole on a bill to give owners of Livery Stables the same lien upon horses that tavern keepers now have.

On motion of Mr. Jeter all of the said bill after the enacting clause was stricken out, and the following inserted as a substitute in lieu thereof:

“That all livery stable keepers who feed horses for others, whether by the feed, day, month, or the year, shall have a lien on said horses, for the amount due for such feed, in the same manner, and to the same extent, as tavern keepers by law now have.

Section 2d, Said lien shall not be discharged, or released, except by agreement of the parties to that effect, or payment of the amount due for feeding and keeping as aforesaid.

Section 3d, If the person for whom said horse is kept and liveried as aforesaid, shall not pay the amount due for such livering and keeping, as aforesaid, within ten days after the same becomes due, it shall be lawful for said livery stable keeper to sell said horse or horses at public auction, at the usual place of public sales in the town or place where said livery stable is kept, and the money arising from the sale shall first be appropriated to the payment of said debt and the balance paid to the owner.

Section 4th, The provisions of this act shall extend to mules and all animals kept and liveried. All laws conflicting with this act are hereby repealed.”

Mr. Allred offered the following amendment to said bill, as an additional section:

And be it further enacted, That all masons and workmen connected with, or engaged in cutting marble in this State, shall have the like lien, to be enforced in the like manner, on all

work done by them in cutting, or work done in or upon any marble in this State."

The amendment was adopted.

The report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole upon the bill to authorize certain commissioners therein named, to raise by lottery a sum of money to pay the debts and endow Randolph College located in Cuthbert Randolph county.

On motion the bill was indefinitely postponed.

The Senate took up the report of the committee of the whole upon the bill for the protection of widows whose husbands die intestate, and to provide for the same.

The report of the committee was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole upon the bill to consolidate the offices of tax collector and receiver of tax returns for the county of Fannin.

The report of the committee was agreed to the bill was read the third time and passed.

Mr. Wales from the select committee to whom was referred the bill to authorize heirs at law to settle estates when they are of age, and more definitely define the law on that subject, reported that the committee had had the same under consideration, and recommend the passage of the same.

On motion of Mr. Dunnagan the order was suspended, and the Senate took up the report of the committee.

On motion of Mr. Wales the bill was amended by striking out all after the enacting clause and inserting in lieu thereof the following substitute, to-wit:

"Be it enacted by the Senate and House of Representatives— That it shall be lawful for heirs at law, if twenty-one years of age, to settle up estates among themselves, without the expense and delay of an administration, to collect and pay the debts of the estate in the same manner as an administrator can now by law do, provided a statement of the settlement when so made shall be signed by the parties, and recorded in the office of the Ordinary of the county where the estate was."

The report of the committee as amended was agreed to.

Mr. Beaseley moved to postpone the same indefinitely, which motion was lost.

Mr. Peeples moved to recommit the bill, which was agreed to.

Mr. Peeples moved to amend further by adding the following proviso, to-wit:

"Provided, that said heirs at law, before making said settlement final and binding, shall give good bond and security payable to the Ordinary of the county where said estate is

situated, conditioned to pay all outstanding debts which may be brought forward against said estate, which may not be barred by the statute of limitations of this State, after the final settlement, which bond shall be for double the amount of said estate to be judged of by the Ordinary; said Ordinary for said service shall be entitled to the usual fees of that officer for the like service, and provided further that the creditors of said estate shall not have the right to recover out of such heirs, more than the value of the property of said estate."

The amendment was adopted.

The report of the committee as amended was agreed to; the bill was read the third time, and on motion of Mr. Dunnan laid on the table for the present.

Mr. Screven from the committee on Banks, to whom was referred a bill to be entitled an act to require all banks in this State having agencies, to redeem certain bills at the same, together with a substitute therefor, and certain amendments thereto, report the following substitute and recommend its passage.

A bill to be entitled an act to require all banks in this State and all banks located out of this State, having agencies in this State to redeem certain bills at the same, to prevent the issue by agencies of banks located out of this State, of bills of a less denomination than five dollars issued by said banks and to levy a tax upon all loans discounted, paper and exchange purchased by said agencies of banks located beyond the limits of the State of Georgia.

Section 1st, *The General Assembly of the State of Georgia do enact as follows*, That any bank of this State, or of any other State, which has, or may hereafter have, established an agency at any place in this State, other than at the place at which said principal bank is located, for the purpose of circulating bills, discounting bills or other paper, receiving deposits, or selling exchange, said bank shall be and is hereby required to redeem in Gold and silver coin, at said agency, on demand, all bills which said agency may put in circulation where it is located, and no other bills of any such bank shall be put in circulation or paid away at or by any such agency, except such bills as are made payable on their face at such agency, and no bill, bond or note, which may be discounted or purchased by said agency, with bills or notes of any such bank, which are not on their face made payable at such agency, shall be collected in any Court of law or equity in this State, but the same shall be void, and all parties thereto discharged from all liability to pay the same. The provisions of this act shall take effect on the first day of October next.

Section 2d, *And be it further enacted*, That if any agent within this State, if a bank located out of the State shall put in circulation any bill or bills of a less denomination than five

dollars, issued by a bank located out of the limits of the State of Georgia, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of five hundred dollars, and upon a failure to pay said fine, shall be subject to imprisonment at the discretion of the court.

Section 3d, *And be it further enacted*, That each and every agent acting as such, directly or indirectly, of any bank located out of the limits of the State, shall, on or before the first Monday in February of each and every year, make a return on oath to the tax collector of the county in which he is located, of the entire amount of loans, paper discounted and exchange purchased by him, and running to maturity at any time during twelve months immediately preceeding said return, and it shall be the duty of such agent making said return to pay said tax collector thirty-one and a quarter cents upon each one hundred dollars of all loans, paper discounted and exchange purchased by him as aforesaid; and in default of said return or payment, the tax collector shall issue execution against said agent individually for the sum of two thousand dollars, and if no property of said agent can be found, then *capias ad satisfaciendum* shall issue to arrest the body of said agent as in other similar executions.

The following message was received from the House of Representatives through Mr. Speer, their clerk.

Mr. President: The House of Representatives have passed the following bill:

A bill to be entitled an act to incorporate a rail-road company to be called the Atlantic & Gulf Rail-road Company, and for other purposes.

Mr. McMillan from the select committee to whom was referred three several bills to provide for the education of the poor, reported the same back to the Senate with a recommendation that the bill entitled an act to designate the children entitled to the benefits of the poor school fund, provided by this act entitled an act to provide for the education of the poor, approved January 22d, 1852, be passed.

Mr. Peeples moved to take up the report of the committee, which was agreed to.

Mr. Screven offered the following amendment as an additional section, to-wit:

Be it further enacted, That the distribution of the poor school fund among the counties of this State shall be made rateably in proportion to the white population in said counties.

Mr. Sims moved to amend the amendment by striking out the words 'white population in said counties;' in the last clause of said amendment, and inserting in lieu thereof, the words 'taxes paid by each of said counties;' which motion was lost.

On motion of Mr. Moore of Lincoln the bill and the amendments were laid upon the table for the present.

On motion the Senate adjourned until seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Hill, the following bills from the House of Representatives were taken up and read the second time, to-wit:

A bill for the relief of Jeremiah J. Gufford of the county of Stewart.

A bill to incorporate the Columbus Savings and Mutual Loan Association.

A bill to amend an act to alter and amend the several Judiciary acts now in force in this State so far as relates to Justices' Courts, approved December 14th, 1811.

A bill to extend the jurisdiction of magistrates courts within the corporate limits of the city of Augusta to fifty dollars.

A bill to incorporate the Garrett Hill Mining Company of Georgia.

A bill to prevent any person from throwing dead stock or other dead carcasses in the Cottecay or Chattahoochee rivers; or timber that would be likely to create drifts, &c.

A bill to be entitled an act to repeal an act entitled an act to extend the civil jurisdiction of Justices of the Peace in the city of Savannah, assented to 17th February, 1854.

A bill to change the time of service in relation to subpoenas issuing from Justices' Courts to compel discoveries at common law.

A bill for the relief of Susan Murray of the county of Charlton.

A bill to confirm and ratify the action of the Superior Court of Muscogee county in granting charters to the Muscogee Building and Loan Association and the Columbus Building and Loan Association, and to legalise the acts of said Associations.

A bill to simplify the method of carrying cases to the Superior Court, and for other purposes therein specified.

A bill to reduce the bonds of the Sheriff of the county of Coffee to the sum of eight thousand dollars.

A bill to amend the road laws of this State so far as relates to the county of Coffee.

A bill to amend the several rent laws of this State.

A bill to incorporate the Ladies German Benevolent Society of Savannah.

A bill to authorise the Justices of the county of Wayne, on the recommendation of the grand jury of said county, to levy an extra tax to be applied to common school purposes, to appoint commissioners and for other purposes therein specified.

A bill to consolidate the office of Tax Receiver and Tax Collector of the county of Worth.

A bill to amend the several acts of the General Assembly of the State of Georgia relating to the Savannah, Albany & Gulf Rail-road company, approved respectively on the 25th day of December, 1847, the 20th day of November, 1851, and the 20th day of February, 1854, and to authorise the southern branch of said Savannah, Albany & Gulf Rail-road Company to cross the line of the Brunswick and Florida Rail-road Company.

A bill to incorporate Greenville Masonic Female Institute located in the town of Greenville, and to confer powers on the same.

A bill to authorise the Justices of the Inferior Courts of the several counties of this State upon the recommendation of the grand juries thereof to assess and collect a tax for the payment of grand and petit jurors or grand or petit jurors and at their pleasure to discontinue and again to re-assess the sum upon said recommendation.

On motion, the order was suspended and the following bills of the House of Representatives were taken up and severally read the first time, to wit:

A bill to incorporate the Planter's Club of Hancock county, and to authorise the payment to the same of a portion of the State tax of said county upon certain conditions.

A bill to amend an act in relation to the measuring of timber, and the appointment of Measurers and Inspectors, and to punish violations of the same.

A bill to ratify the organization of the 1st regiment of the 1st brigade of the 1st division of Georgia Militia.

A bill to authorise the collection of interest on open accounts.

A bill to alter, amend and add to the Penal Code of this State.

A bill to fix the time of holding elections for Judges of the Superior Courts, Attorney General and Solicitors General.

A bill to appropriate money to repair the State House or to provide for its future re-construction or removal.

A bill to authorise the Ordinary of Gwinnett county to pay certain poor children and for other purposes.

A bill for the relief of William Waters.

A bill to authorise Charles T. Jarnigan and James R. Russell of Catoosa county, to practice medicine and surgery, and collect compensation for the same.

A bill for the relief of Rachel Holoman of Carroll county

A bill to appropriate money to the legal representatives of James M. Kelly, deceased.

A bill to remove the Penitentiary of this State, to appropriate money for the same and for other purposes.

A bill to authorise the Ordinaries of the several counties of this State to pay accounts of teachers of poor children in certain cases.

A bill amendatory of an act incorporating Muscogee Railroad Company, so far as regards the qualification and election of Directors thereof.

A bill to reduce the bond of Sheriffs hereafter to be elected in the county of Hart, from twenty thousand to ten thousand dollars.

A bill authorizing the Ordinaries of this State to issue fines for cost in certain cases.

A bill for the relief of Abner P. Powers.

A bill to incorporate the Augusta Savings Bank.

A bill for the relief of Crawford H. Little, tax collector of the county of Franklin.

A bill to provide for the preservation of the public records and for other purposes.

A bill to incorporate the Finch Mining Company of Cherokee county, Georgia.

A bill to incorporate Hopewell Academy in the county of Fayette, and to appoint trustees for the same.

A bill to authorise the Inferior Court of Houston county to levy an extra tax for the years 1856 and 1857, for the purposes therein named, upon the conditions specified.

A bill to incorporate the Atlanta Male College, and to appoint Trustees for the same.

A bill to incorporate Salem Court-ground in Newton county.

A bill to extend the limits of the village of Cave Spring and for other purposes.

A bill to authorise the Inferior Court of Gwinnett county to pay the Sheriffs of said county for summoning jurors and waiting upon the courts and for other purposes.

A bill to compel all incorporated mining companies of this State, to give in and pay taxes on their stock in the counties where the mines are located.

A bill to punish any person or persons obstructing Bull creek in the county of Tattnall.

A bill to authorise the Board of Commissioners of Public Roads of the county of Bryan to carry on and transact business under certain circumstances and for other purposes.

A bill to ratify the incorporation of Atlanta Loan and Building Association, and to legalise the acts thereof.

A bill to incorporate the Summerville Academy, Emanuel county.

A bill to incorporate the town of Fort Valley in the county

of Houston, and to provide for the election of commissioners for the same.

A bill to incorporate the Fredonia Academy in the county of Baker and appoint Trustees for the same.

A bill to incorporate a company in the county of Columbia and State of Georgia, to be known by the name and style of the Columbia Mining Company and to grant certain privileges thereto, and for other purposes therein mentioned.

A bill to incorporate the Methodist Episcopal Church at New Hope, Bulloch county, and to appoint trustees for the same.

A bill to authorise the Mayor and Council of the city of Columbus to do certain acts therein named.

A bill to incorporate the Russellville Methodist Camp Ground.

A bill to incorporate the Trustees of the Masonic Hall in the city of Savannah.

A bill to incorporate Montgomery Camp Ground, Montgomery county.

A bill to incorporate Hebron Presbyterian Church of Franklin county, and for other purposes.

A bill to incorporate the United Riflemen of the city of Columbus and to extend to them certain privileges; also, the Richmond Huzzars of the county of Richmond.

A bill to alter, amend and enlarge an act entitled an act to ascertain, dispose of and appropriate the ungranted lands in the county of Chatham, and to vest the same in certain charitable societies, and for other purposes.

A bill to cede to the United States jurisdiction over certain territory within the limits of the city of Savannah.

A bill to change the time of holding the Inferior Courts of the county of Catoosa.

A bill to incorporate the Cherokee Baptist Georgia Convention, to confer upon said corporation certain powers therein named and for other purposes.

A bill to provide for selection of Grand and Petit Jurors in certain cases.

A bill to appoint Trustees for Hall County Academy.

A bill to incorporate the Needle Woman's Friend Society in the city of Savannah.

A bill to incorporate the South-western Electro-Magnetic Telegraph Company.

A bill to allow practicing attorneys to serve as Justices of the Peace in Burke county.

A bill to extend the provisions of an act to amend the several acts now in force regulating the fees of Magistrates and Constables in the State of Georgia, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for mode of collecting the same, approved January 22d, 1852, to the county of Fulton.

A bill to amend an act to incorporate the Ogeechee Plank Road Company, and for other purposes therein named, approved January 22d, 1852.

A bill to repeal the 7th section of an act entitled an act to amend the Road and Patrol laws of this State so far as relates to the county of Effingham, assented to 9th December 1843.

A bill to change the time of holding the Superior and Inferior Courts in the county of Carroll.

A bill to incorporate Island Creek Academy in the county of Hancock.

A bill to amend the sixth section of an act to incorporate the Bank of Savannah.

A bill to give any company a right to construct a bridge across the Chattahoochee river in the county of Fulton and Cobb on the old piers upon which the Western and Atlantic Rail-road was built, which may be incorporated by the Inferior Courts of said counties or either of them, on certain conditions.

A bill to incorporate the Salem Camp Ground in Newton county.

A bill to incorporate the New Lebanon Presbyterian Church in Franklin county, and for other purposes.

A bill to amend the several acts now in force in reference to the public printer.

A bill to incorporate a bank in the city of Rome, Floyd county, Georgia, to be called the Bank of the Empire State.

A bill supplemental to an act to authorise the selection and permanent location of a county site in the county of Wayne, to authorise the building of a new court house and the levying of an extra tax and for other purposes therein specified, approved 23d January, 1856.

A bill to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices' Courts, approved December 14th, 1811.

A bill to change the January and October elections in the State, from the first Monday in January and October, to the first Wednesday in January and October.

A bill to alter and amend an act entitled an act to amend an act passed the 17th day of December, 1847; to authorise parties to compel discoveries at common law, approved 20th Feb'y, 1854.

A bill to authorise the Inferior Court of Effingham county to order the payment of the Superintendents, Clerks, and those who consolidate the returns of elections of said county for their services.

A bill to amend the several acts now in force regulating the fees of Magistrates and Constables in the State of Georgia, so far as relates to the county of Decatur, and to provide for the mode of collecting the same.

A bill to charter the Exchange Bank of the State of Georgia at Griffin.

A bill to incorporate a Bank in the city of Columbus, to be called the Bank of Columbus, and for other purposes therein named.

A bill to appropriate a sum of money for the payment of the claim of Thomas E. Patton, assignee of Thomas E. Brice.

A bill to allow any joint tenant, tenant in common, or other person having a part interest in lands or tenements, to maintain a separate action of ejectment or trespass, and for other purposes.

A bill to authorise Rufus Barker of the county of Floyd to practice medicine in the county of Floyd, and to sue and collect for the same.

A bill for the relief of Joseph Landrum of the county of Oglethorpe.

A bill for the relief of Osborne J. Register of Fulton county.

A bill to give defendants damages for frivolous suits against them.

A bill to authorise the Justices of the Inferior Court of Charlton county to examine and allow to the tax collector of said county their insolvent list.

A bill to compensate Almon Guinn for the apprehension of William Mitchell, a fugitive from justice, and to appropriate money for the same.

A bill to alter and amend an act to compel the Judges of the Superior Courts of this State to convene at Milledgeville for the purpose of establishing uniform rules of practice passed December 21, 1821.

A bill to authorise the drawing of Grand and Petit Jurors for the county of Dougherty.

A bill for the relief of Robert McIntire of the county of Chattahoochee.

A bill to incorporate Salt Springs Academy in Campbell county, and to appoint trustees for the same.

A bill to provide a remedy for mechanics and masons, and give efficiency to the lien now allowed by law.

A bill to incorporate Ocmulgee Mills.

A bill to provide for the survey of the Sixth District of Habersham county.

A bill to alter and amend the several judiciary acts now in force in this State, so far as relates to Justices Courts, approved December 14th, 1811, so as to allow and authorise the same person to hold the two offices of the Clerk of the Inferior Court and Justice of the Peace at the same time in the county of Lumpkin.

A bill to be entitled an act for the relief of Ward H. Wakefield & Co. of Clay county.

A bill to be entitled an act to authorise certain persons

therein named to clear out and improve the navigation of the Chattahoochee river above the Western & Atlantic Railroad.

A bill to be entitled an act to appropriate money for the benefit of the Georgia Asylum for the Deaf and Dumb and for other purposes.

A bill to be entitled an act for the relief of Edward Stanfield of Henry county.

A bill to be entitled an act to amend the eleventh section of the Judiciary act of 1799.

A bill to be entitled an act to amend the laws of this State relative to imprisonment for debt.

A bill to be entitled an act to alter and change the line dividing the counties of Camden and Charlton, and to appoint commissioners to run the same.

A bill to be entitled an act to define the liabilities of the husband for the debts of the wife and for other purposes.

A bill to be entitled an act to incorporate the Acacia Railroad and Mining Company.

A bill to be entitled an act to add a part of that which was originally Union county to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding; also to add lots of land numbers 99, 125, 126 and 127 in the 30th district, of Marion county to the county of Sumter.

A bill to be entitled an act to incorporate the town of Jefferson in the county of Camden, and for other purposes.

A bill to be entitled an act to repeal the first section of an act to grant exemptions to cavalry corps and for other purposes.

A bill to appropriate money to erect a necessary building for the accommodation of the pupils at the Institute for the Blind, located at the city of Macon.

On motion of Mr. Wales, the following bill from the House of Representatives was taken up and read the first time, to-wit:

A bill to incorporate a Rail-road company, to be called the Atlantic & Gulf Rail-road Company, and for other purposes therein named.

A bill to remove the Penitentiary of this State, to appropriate money for the same, and for other purposes therein mentioned.

On motion of Mr. Murphy, the rules were suspended, and the Senate took up the report of the committee of the whole upon the bill to authorise the Ordinary of DeKalb county to pay those who taught poor children in said county, the balance in his hands of the money appropriated for the year 1855. The report of the committee was agreed to; the bill was read the third time and passed.

The rules being suspended, on motion of Mr. Swinney

the Senate took up the report of the committee of the whole upon the bill to incorporate the town of Weston.

The report of the committee was agreed to; the bill was read the third time and passed.

The rules being suspended, on motion of Mr. Long the Senate took up the report of the committee of the whole upon the bill to authorise the Inferior Court of Glynn county to have so much of the original records of said county transcribed, and to legalise the same. The report of the committee was agreed to; the bill was read the third time and passed.

The rules being suspended, on motion of Mr. Long, the Senate took up the report of the committee of the whole upon a bill to add the residence of R. J. Berrie of Camden county to the county of Glynn.

Mr. Atkinson offered the following amendment as an additional section, to-wit:

'That the county line between the counties of Camden and Glynn, shall commence at Fancy Bluff and follow the main public road to the Wayne county line near the ford of Little Satilla.' The amendment was adopted. The report of the committee as amended was agreed to; the bill was read the third time and passed under the title thereof.

The rules being further suspended, on motion of Mr. Screven, the Senate took up the report of the committee of the whole upon the bill to add an additional section to an act incorporating the Georgia and Florida Steam Packet Company, approved Feb. 18th, 1854, and for other purposes.

Mr. Screven moved to amend the aforesaid bill by striking out the words 'notice or,' wherever the same occurred in said bill. The amendment was adopted. The report as amended of the committee was agreed to; the bill was read the third time and passed.

The rules being further suspended, on motion of Mr. Screven the Senate took up the report of the committee of the whole upon the bill to incorporate the Welaka Steamboat Company.

Mr. Screven moved to amend the same by striking out the words 'notice or,' wherever they occurred in said bill.

The amendment was adopted. The report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion of Mr. Carlton, the Senate adjourned.

FRIDAY, FEBRUARY 22nd, 1856.

The Senate met pursuant to adjournment.

Mr. Fambro moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a

bill for the protection of widows, whose husbands die intestate and provide for the same; which motion was agreed to.

Mr. Landrum moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill to add the residence of R. J. Berrie of Camden county to the county of Glynn; which motion was agreed to.

On motion of Mr. Knight the rules were suspended and the reconsidered bill was taken up and laid on the table for the balance of the session.

Mr. Murphy from the select committee appointed to investigate the condition of the Western & Atlantic Rail-road, laid upon the table the following report, to-wit:

'The joint special committee to whom was referred the 'Finances, Equipment and Management generally' of the Western and Atlantic Rail-road, beg leave to report:

That in pursuance of the instructions of the joint resolution which was adopted in the Senate the 17th of December last, directing us 'to proceed to the Western and Atlantic Rail-road, and make a thorough examination of said Road, its finances, its equipment and general management, and all other matters appertaining to said Road of interest to the State.' We organised as a committee in the city of Atlanta on the 7th January last and proceeded at once upon the investigation of the affairs of the State Road. After a full and satisfactory examination of the several offices connected with this great interest, which are located in Atlanta, we came to the unanimous decision that in all respects these offices were models of system, and that those in charge of them had bestowed a highly commendable attention to their several departments. We also gave a minute investigation into the condition of the 'State shop,' in which the repairs and construction necessary to the Road are carried on; and we take great pleasure in bearing our testimony to the laborious and efficient conduct of this most important branch of the State Road interest.—

We regretted to see, however, that we had suffered from those inevitable casualties which must befall all similar interests, and against which no prudence or skill can guard. Serious accidents, much more frequent this winter than ever before, have occurred to the motive power to most of the Roads of the country generally, and we have not been exempt from our share of this loss.— But we are pleased to be able to state that report has greatly exaggerated the amount of these damages to our engines, and that the most of them will be speedily repaired and at comparatively small expense. In regard to what is denominated rolling stock, including box, platform and stock cars, we have to say that we consider the present number as inadequate to the requirements of the Road. But having duly considered the difficulty of obtaining cars as fast as the business of the Road demanded, and taken into consideration the number added since the last report of the Superintendent, we find no cause of complaint. About sixty-five new first-class cars have been already added to our previous stock since that report, and with the supply of about six per month, which are turned out from the Penitentiary, and several more from other quarters, we will soon find our rolling stock fully

adequate to the demands of freight pressing now so heavily upon the resources of our Road.

Your committee being furnished with a special train, next proceeded upon their examination of the Road bed and the general condition of the track. This we found, all things considered, in fine condition. A small portion of the road between Resaca and Tilton was not in such good condition, owing to the suspension of the necessary repairs, which the unusual rigor of the winter had interrupted. Soon the heavy T rail, which was purchased last spring, will be laid down, giving us a most superior track from Atlanta to Dalton. We cannot dismiss this part of our subject without urging the Legislature to take into consideration the necessity of laying the entire length of track with heavy T rail.—The immense freights now passing over the W & A. R. Road, many days demanding 16 trains up and down per day, make it a matter of great consequence that the light flange bar from Dalton to Chattanooga should be replaced with heavy rail. We would then be able to show a road, including bed, rail and drainage that would compare favorably with the very best roads in our land.

At the depot in Chattanooga, we found a neatness, system and energy in the business of the road that elicited our hearty approval. After bestowing that attention along the line of the Road, to the duties of our mission which could be given only by our presence, upon the spot we adjourned to meet at this place, that we might give a more detailed investigation into such matters of interest to the State as might present themselves in connection with this great interest. We cannot give a more satisfactory view of the scope and nature of our investigation than by reciting the resolution adopted in committee that shaped our proceedings.

‘Whereas, it has been repeated and distinctly charged, that the management of the Western and Atlantic Rail-road, for and during the past year, has been characterised by numerous acts of *political favoritism*, and that the said road has thereby been made an engine of political power, devoted to the subservience of political purposes, greatly to the detriment of the interest and *honor* of the State; and whereas, it has been specifically alleged that the rates of freight established to and from Etowah depot, were in violation of law, that higher rates of freight have been demanded and collected of the political party *out* of power, than were asked of the party *in* power, (both being on the same or similar mission where these respective but different rates were charged and collected) which distinction between parties on account of political opinion, was unjust, odious, and plainly infractive of law; and whereas, specie has been transported over the road free of charge in one instance, and taxed with freight in another, which distinction evinces partiality, disregards and breaks the law; and whereas, full fares have been demanded and collected of a Rail-road agent, known and recognised as such, and in other cases Rail-road agents on precisely the same footing, have been passed free, which distinction was made on account of the political opinions of said Rail-road agent, nothing to the contrary having been

shown, or is possible to be shown; and whereas, all these acts of favoritism, partiality and injustice, together with the general want of a judicious economy, argue and demonstrate a decided want of *something*—either firmness or prudence or capacity, on the part of the Superintendent of said Road, or his *superiors in office*; and whereas, the people of all parties, who are the stockholders in said Road, absolutely demand an investigation of all matters pertaining to said Road; and whereas, in the language of the resolutions appointing this committee, it is their duty and privilege 'to examine into and report upon the Finances, Equipment and Management generally, and upon *all other* matters pertaining to said Road of interest to the State. Be it therefore

Resolved, That this committee do now proceed to the plain duty required of them, as indicated in the above quoted resolution, which, in the opinion of this committee, require the investigation of the above specified charges, with a view *finally to pronounce* and dispose of them, either as humiliating truths, or discreditable falsehoods.'

And that we might give full effect to the enquires embraced in the foregoing, we adopted the following resolution :

Resolved, That Col. T. C. Howard, our Secretary, furnish Gov. Johnson and James F. Cooper, Superintendent of the Western & Atlantic Rail-road, each with a copy of this Preamble and Resolution, with the request that they furnish this committee with full information of all the facts connected with the matters referred to in the Preamble.

In response to this request, the Governor and Superintendent returned the following answers marked A and B, which we ask the privilege of having read at your desk as a part of this report. As these replies are full and to the point, much more so than any comment we could make upon them, and as no additional or countervailing testimony came before us, we therefore deem it unnecessary to remark further upon the specifications embraced in them than to 'pronounce' them unfounded from the lights before us. And as we feel bound under the instructions of the resolution above recited, which we adopted as our guide in this investigation, thus to express ourselves, we will further adopt the language of that resolution and say that having pronounced upon these charges, we hope that they have been finally disposed of.

Under special instruction from the House of Representatives, we have carefully considered the policy of favoring way local freights, and giving precedence to them over through or external freights. Whatever may be said of this as a theoretical proposition, however specious and popular it may be as a protective, domestic policy, it would prove in its practical application, a serious injury to a great work like the Western and Atlantic Rail-road, forming only a part of

a grand system, and itself only a dependency. Unless you first disengage or reverse the fundamental purpose kept steadily in view in the projection of the State Road, and maintained till now, your Road must not be considered private State property, devoted to the peculiar wants and conveniences of our own people, but we must regard it as an integral portion of a chain of communication that cannot be severed, monopolised or misappropriated without great loss to the State, and by implication without bad faith to the public. While we admit that it is wise and just, that our own people living along the line of our road, and resorting to it for the transportation of their marketable produce, should not be discriminated *against*, we are yet fully persuaded they should not have discriminations made in their favor. If any of our resident citizens who are freightors upon our Road, have complained that the present rates are hard and unnecessarily onerous, it has not been brought to our knowledge. It is true that we have heard that complaints are not unfrequent that in comparison with *through* freights, the way freights were too high, and again, that the charges from station to station were not strictly equable and proportioned to distance. In the first place, can we set down to assess charges upon strangers who have a perfect freedom of electing between us and others as their carriers, and allow ourselves the same latitude as we may do and very justly, when we are adjusting a tariff relieved from the pressure of external competition? Suppose (which we admit) that the charges upon produce from Chattanooga to Atlanta are relatively lower than they would be from Dalton or any other point on the road to Atlanta. Before we can determine if this be injudicious are reprehensible, we must first know if the charges on way freight are reasonable and just. If they are, there is no individual oppressed or his industry deprived of the smallest fraction of what should be justly returned to it. While it may be said in justification of the difference between through and way freight, that but for this difference the through freights would never be offered. You are often compelled, in the face of strong competition, to narrow the margin of profit derivable from the carrying business, or have no business to do. Then again, to the freighter, it is often a question between no market at all, or very moderate charges for freight. We need not enlarge further upon the utter impossibility of reconciling the doctrine of equable and proportionable charges on freight, with the interests of our Road, than to call attention to the fact that the cost of loading a train of cars is precisely the same whether the freight charged be for one mile or 138. It is for this reason, among others, as well as the prohibitory effect of a tariff of charges adjusted upon a scale of miles or half-miles, that has given rise to the universal practice on Rail-roads of making a dif-

ference in favor of great distances over short ones, in charges.

But we will present another view. Suppose the policy should be adopted upon the Western and Atlantic Rail-road of deferring through freights to way freights; and that the surcharged stream should be checked at Chattanooga, what would be the effect upon the value and the earnings of the Road. We believe the result would be so disastrous as to destroy the money value of the road at a blow. For the year 1854, the value of way freights on the Western and Atlantic Rail-road was, in round numbers, \$98,000, while the through freights were \$394,000. Now let it be understood that we will consent to take the produce of those who live beyond our limits when it suits our convenience—when no citizen of Georgia is to be placed in any inconvenience by it, and short, when we have nothing else to do, and how long would our Road be the popular and favored channel of transportation; and more important still, what account in the next twelve months would we be able to give of these \$394,000 for way freights? You committee are happy to state that when the ten first-class engines now ordered, shall be placed upon the road, with the full equipment of cars which we will have secured in a few months more, then we will hear, we are sanguine, no further complaints of delay in the removal of all that shippers on the line of the Road may have to offer. That complaints on this score are well founded, we have no doubt is true, and the delay in shipments have resulted from a want of stock.

Your committee will not trespass further on the patience of this House than to offer one additional argument against the policy of discriminating in favor of local freights. More than at any other period since the completion of the Western and Atlantic Rail-road, would the present be an unfortunate time to resort to an invidious measure in the administration of the affairs of the State Road. Whatever we may say of the purpose of our Legislature in selecting the upper portion of the State as the location of a vast and beneficent expenditure of money—however cogent may be our reasoning to prove that in the original conception of that work, no special favoritism was intended to that section, and however convincing the evidence, that since its completion, no special or exclusive privileges have inured to Cherokee Georgia. Yet will no man assume that there has not been a vast incidental benefit to that section resulting from this expenditure by the State. This, we should think, would be an ample compensation, even for a taxation in freights that was admitted to be appreciable; especially as the advantage at last went to the common weal. But what would the tax payer of Middle, Eastern, Western and Southern Georgia say? what would he not be excusable in saying, were he to

see the brilliant prospects of our great State work sacrificed, and sacrificed for the exclusive benefit of a single section? Would not the reflection be much still more bitter when it was remembered that this vast work, with all the expense and anxiety which it has caused us all, first and last, was a charge upon the whole State, and can only be a public and a general benefit when impartially administered? The public discontent would be great, we feel assured, were we to induce the distrust that an interest like the Western and Atlantic Rail-road, though built up by a common treasure, was to be used for partial and sectional interests. We have good reason to fear that should our policy in the management of the State Road engender this suspicion, that it would become an object of disgust rather than pride, and from being a source of profit, it would eventually be a tax. We therefore give our unqualified approbation of the principle upon which the present tariff list of the State Road is adjusted, and think that it would be impolitic, ungenerous and unjust to discriminate in favor of way freights.

We, in the progress of our investigation, have had before us the memorial of Mr. C. W. Howard of Cass, in relation to the turn out at his lime kilns. This gentleman complains that this turn-out has been removed arbitrarily and to the detriment of his interests and the interests of the public.— It is first proper to state that nothing has come to the knowledge of your committee in relation to this privilege of a turn out, which authorizes us to conclude that it was a right and not merely a matter of favor. There have been instances in which the convenience of turn-outs have been granted for a valuable consideration, but in the instance of Mr. Howard's siding, this was not the case. As to the motive and reasons for the removal of the turn-out at Mr. Howard's kilns, we are fully persuaded that the Superintendent acted under a sense of duty. Accidents, and of a serious nature, have occurred at this switch, and let the blame of their occurrence rest where it may, the State and the public should not, without the weightiest reasons, be subjected to this liability; and we are fully persuaded that in all cases there is an appreciable extra risk in passing trains over a track in which these sideings are multiplied, if the schedule time is to be made regularly. In the particular instance referred to, we confess we cannot see the hardship. Mr. Howard's kilns are not farther than a mile and a half from the Kingston depot, where, at the expense of the State, ample and safe storage has been provided for lime. Besides this, at a regular station, a freighter may always depend with more confidence in obtaining regular transportation than he can in the very nature of things, realise between stations. In illustration of this fact, it may be stated that the books of the Road show that Mr. Howard's recent shipments confirm this

opinion. The transportation of lime a distance of less than two miles, we do not think a grievance or a reason why prices of this article should be enhanced to the consumer to any injurious extent. We therefore give it as our opinion that it is inexpedient and not consistent with the interest of the State Road or of the public, that this turn-out should be replaced, or that others should be laid down at other points mid stations.

But upon another question affecting the interest of all lime-burners in the State ; your committee are pleased to say that they have agreed heartily to recommend a reduction in the tariff of freights so far as lime, and indeed every other fertilizer, are concerned, to the very lowest point possible. The limit, we think, should be that point just short of positive loss ; but at the same time, we think the interests of the Road should be consulted by making arrangements for the transportation of lime at these reduced rates for agricultural purposes, only at such seasons as will be best accommodated to more pressing and more remunerating freights.

In process of time, the richest lands penetrated by our Road, as well as those more distant which are tributary to it, will be demuded of their fatness. And it would be hard for the practical or the political economist, to name that subject which more broadly underlies the greatest good of our county, than the renovation of our exhausted soil. To us it is a matter of surprise as well as deep concern, to see how indifferently the subject of cheap transportation of fertilizers has been regarded by our Rail-road authorities. Nothing, to our minds, can be clearer than the reciprocity of this policy ; for the road that will carry a bushel of lime at remunerating rates, to the field of the farmer, will receive in return a bushel of wheat, and for an indefinite period. But the policy heretofore pursued, in reference to this subject, has been an extremely unfriendly one, and it is demonstrable by figures that, but for this, millions might have been added to the production of our State, with increased benefit to all parties, and at the expense of one interest. It is vain to urge, as has been done, that upper and middle Georgia will alone be benefitted by a reduction of freights on lime. The very least there can be said in favor of the policy, is, that the benefits resulting will be restricted. So as far it goes, all admit that good is done, and we will not argue the point to prove that partial good shall not be conferred upon a section because all cannot get the direct avails of it. But it is self-evident that every citizen of Georgia will be a recipient directly or circuitously of the advantage resulting from cheap manures. In dismissing this subject, we express our cordial concurrence with the views entertained by his Excellency the Governor, upon this head, and commend them to

the consideration of this body. In conclusion, we beg leave to say, that after a careful and impartial investigation, we feel bound to report that we find order, economy, unbounded energy and strict fidelity controlling throughout every department of the Western and Atlantic Rail-road. And we feel confident that could the party out of power in the State Administration always feel assured that they enjoyed an equal chance for overseeing and scrutinizing the management of the Road, that this interest would be the cherished pet of all parties in Georgia. How far would it go in giving quiet and confidence to the public mind, were we to institute a Board, composed of the majority and minority parties, for the purpose of investigating the affairs of the State Road, and reporting semi-annually thereon, it would perhaps be a matter of importance to enquire; but of one thing we may be assured—that the present condition of this work—its splendid future—its marked and radical influence upon the material and social interests of our beloved Commonwealth, makes it a guiding light for the councils of the State in further attempt for our improvement; and an imperishable remembrances of the wisdom and patriotism of the men who suggested and sustained the enterprise.

All of which is respectfully submitted.

Signed,

C. MURPHY,
RICH'D SIMMS,
GEO. D. PHILLIPS,
W. B. TERHUNE.

[A.]

EXECUTIVE CHAMBER, }
Milledgeville, Ga., Feb'y. 2d, 1856. }

To the Joint Special Committee on the Finances, Equipments and Management generally of the Western and Atlantic Rail road.

GENTLEMEN :—Through Col. Thos. C. Howard, your Secretary, I have received your preamble and resolutions addressed to me, for information touching certain rumors which you deem it your duty to investigate. I cheerfully comply with your request.

Upon a close examination of the preamble, the following is its analysis, to-wit :

The general allegation is, 'That it has been repeated and distinctly charged that the management of the Western and Atlantic Rail-road for, and during the past year, has been characterised by numerous acts of *political favoritism*, and that the said Road has, thereby, been an engine of political power, devoted to the subservience of political purposes, greatly to the detriment of the interest and *honor* of the State.'

The specifications to support this general charge are the following, to-wit :

1. 'It has been specifically alleged that the rates of freight established to and from Etowah Depot were in violation of law.'

2. 'That higher rates of freight have been demanded and collected from the political party *out* of power, than were asked of the party in power (both being on the same or similar mission, when these respective, but different rates of freight were charged and collected,) which distinction between parties, on account of political opinion was unjust, odious and plainly infractive of law.'

3. 'That specie has been transported over the Road free of charge, in one instance, and taxed with freight in another, which distinction evinces partiality, disregards and breaks the law.'

4. 'That full fares have been demanded and collected of a Rail-road Agent, known and recognised as such, and in other cases, Rail-road Agents on precisely the same footing, have been passed free, which distinction was made on account of the political opinions of said Rail-road Agent, nothing to the contrary having been shown, or is possible to be shown.'

5. 'A general want of judicious economy' which together with the foregoing, 'argues and demonstrates a decided want of something, either firmness, prudence, or capacity on the part of the Superintendent of said Road, or his *superiors* in office.'

In reference to the general allegation, it is, perhaps, not necessary to make a single observation, since its truth must depend upon the substantiation of the various specifications on which it is founded. Still, it is appropriate, in this connection, to remark, that it is a great mistake to suppose that the Western and Atlantic Rail-road can be made an efficient engine of political power. It is, and always must be, under its present organization, an incubus upon the party *in* power. For manage it as you may, in the appointments to office, you will make ten malcontents, to where you give satisfaction to one ; and the general conduct of the Road is the subject of close, unceasing and, in the main, unscrupulous criticism, by the party *out* of power. It is easy to raise false clamors and excite popular prejudice and suspicion, by vague and general charge of mismanagement, extravagance and peculation ; and when once put in motion, during an excited political canvass, it is almost impossible to arrest them or counteract their influence on the ballot-box. I speak what I do know ; and if I may be pardoned for the allusion, my own personal experience demonstrates the truth of what I have said. No public man was ever more bitterly and unjustly assailed for supposed mal-administration of the West-

ern and Atlantic Rail-road ; and so far from its being an element of strength, I feel quite satisfied that it was an element of weakness. My assailants felt that it was so, or the country would not have been inundated with such a flood of falsehoods.

In reference to this general allegation, I may be permitted another observation. It avers, that the Road has been prostituted to the purposes therein indicated, 'greatly to the detriment of the interest and honor of the State.' I respectfully ask what interest of the State has suffered? Can it be shown that the Road ever yielded more money—that it was ever better officered—that it was ever managed with more regularity in the running of its trains, or more punctuality on the part of its numerous agents? It has promptly met all its liabilities; it has anticipated and paid \$108,500 of its bonded debt, and in addition turned over to the Treasury \$105,000. All this, with the exception of \$50,000, which were paid into the Treasury in 1854, has been done within the last year, the very period of time, in which it is alledged, that the interest and honor of the State have suffered detriment.

Dismissing the general allegation, I approach the specifications.

1. It is asserted, that the rates of freight established to and from Etowah Depot, were in violation of law. It might be sufficient for me to meet this charge with a simple and unequivocal negation. The assertion is wholly untrue, in point of fact. The rates of freight at that depot are precisely what they were, under the administration of my immediate predecessor, as I found them, when I came into the Executive office. Did any one charge *then*, that they were in violation of law? The last General Assembly, by an appropriate committee, examined into the affairs of the Western and Atlantic Rail-road, yet there was not a syllable of complaint on this score. This is some evidence that they, at least, did not consider those rates violative of law.

But let us look to the law. In the acts of 1851-'52, page 111, and in the 3rd section of an 'act for the government and management of the Western and Atlantic Rail-road,' approved January 15th, 1852, I find the following language: 'It shall be his (the Superintendent's) duty by and with the consent of the Governor to establish rates of freight and passage, and to make all necessary arrangements respecting such rates with other roads.' This language is broad and comprehensive, and confers upon the Superintendent and Executive all the power over the subject, which the Legislature itself might exercise, subject to a single restriction, which is contained in the oath of the Superintendent, in the latter part of the section, in the following words: '*That in the discharge of my duties, I will neither make or permit to be made, any discrimination, in favor of or against any Rail-road*

Company in this State, or other persons or parties having business connections with, or relations to, the Western & Atlantic Rail-road.' Unless therefore, the rates of freight at Etowah Depot are contrary to this restriction, they are not in violation of the law. This brings me to the consideration of what I suppose to be *the* point in the first specification.

When I came into office, I found certain established rates of freight at Etowah, on coal, wheat and iron. It is not necessary to specify these rates, as I desire to discuss the *principle* and *policy* involved. In the early part of the Summer of 1854, the present Superintendent, increased these rates about 25 per cent. The change was made without consultation with me. In other words, to use the language of the law, not 'by and with the consent of the Governor.' I mention this, not to reflect upon that officer, for I have no doubt he acted in good faith. But as a part of my justification, for the direction which I subsequently gave for the restoration of the rates, as established by Mr. George Yonge. I did give that direction, and therefore, if error was committed, I am responsible for it. The question then, is, was that direction contrary to the restrictions contained in that portion of the Superintendent's oath which is above quoted? The question is easily solved. As it was not a regulation in relation to any Rail-road Company in the State, it was not a violation of the first restriction in the oath. Then was it a discrimination for or against '*persons or parties having business connections with or relations to the Western & Atlantic Rail-road?*' It certainly was not, because the restoration of former rates, applied equally to all persons shipping to and from that point, each deriving a benefit precisely in proportion to the magnitude of his business. There was no partiality—no discrimination for or against 'person or parties,' and consequently, no violation of the law.

Now for the reason of the change of freights back to those established by Mr. Yonge.

The General Assembly, by joint resolution, approved January 25th, 1852, declared 'that the Iron interest in Georgia is one of much value to the State, and deserves the habitual regard of the people. That the Governor be, and he is hereby requested to give such direction to the operations of the State Road, in its transportation department, as will sustain the Iron business and the Coal trade. That the Superintendent of the Western and Atlantic Rail-road is hereby authorised to make such contracts for the supply of iron for said Road, as he may think best calculated to advance the interests of the Road, and the prosperity of the State, and to negotiate such terms as he may deem expedient therefor.'

Hence, so far as the rates of freight on coal and iron are concerned, I not only show, that they are not contrary to

law, but in accordance with the will of the Legislature as shadowed forth in this resolution.

It has been argued, I know, that this resolution only requests, that 'such direction' be given 'to the operations of the Road, in its *transportation department*, as will sustain the iron business and the coal trade,' and that the establishment of *rates of freight*, does not fall within the '*transportation department*.' This is the merest quibbling, and unworthy the patriotism which gave birth to the resolution under consideration. What is the expressed intention of the Legislature? It is to 'sustain the iron business and the coal trade' and therefore, it is my duty to give it such construction, as will execute that intention. But how could this be done by the mere operations alone of the '*transportation department*?' What though the trains should be run according to a schedule arranged by the manufacturer himself? What though the whole operations of the Road should be at his bidding? All would avail him nothing, if the freight on the coal should be ruinous, and on iron so high, as to operate as a protection to manufacturers of distant States. Hence, I conclude, that as sensible men, the Legislature really intended to devolve upon the Executive and Superintendent the duty of fostering the iron and coal interests, so far as that object could be accomplished by the agency of the Western and Atlantic Rail-road.

Now as to the rate of freight on *Wheat* to, and Flour from Etowah Depot, I have shown, by looking to the act of 1851-'52, that the restoration of Mr. Yonge's rates at Etowah were not in violation of law. I will now state the reason why wheat to and flour from Etowah, were placed in the same category with coal to and iron from that depot. I was governed by precisely the same policy which prompted the Legislature to adopt the resolution above quoted. They intended to foster the coal and iron interest, for high State considerations; and for reasons equally important to the public welfare, I intended to foster the manufacture of wheat into flour within our own State. It is well known, and we are all proud of the fact that the region of the State, through which this great Rail-road passes, is unsurpassed in fertility and peculiarly adapted to the production of wheat. Its resources, in this particular are just budding into development. It is a fact, equally well known, that this same section of country abounds with unlimited water power, inviting enterprise and capital to manufacturing pursuits. Is it then, a matter of no consequence to the State, that our teeming millions of wheat should be converted into flour within our own borders? Shall we transport it to other climes—pay freight on this transportation, and also on its reshipment back to our tables, in the form of flour? What Georgian would not feel proud, to see all the wheat raised within the

State, ground at our own mills? Who can estimate the increase and diversity it would impart to labor and capital? the vast sums of money it would save to our people? and what independence it would confer upon them? It was under the promptings of such reflections as these, that I included wheat and flour in the restoration of Mr. Yonge's rate of freight at Etowah? Do you condemn it gentlemen? How much 'detrimet' does it inflict upon the 'interest and honor' of the State?

But perhaps it may be said that as the resolution of 1851-'52, already referred to, looks only to the fostering of the iron and coal interest, and includes them only, it is an exclusion of every other interest. This does not necessarily follow. That resolution is simply directory, and cumulative, as it were of the ample power conferred on the Superintendent and Executive, by the 3rd Section of the act of January 15th, 1852. It is under that general power that I justify the rates at Etowah, as to wheat and flour, and that I would justify, as to coal and iron in the absence of that resolution. For I feel confident, that no law has been violated; and the resolution, is mainly valuable to show that the Legislature have given sanction to the *policy* of so managing the State Road, as to foster, as far as may be, infant enterprises for the development of her boundless resources.

It may, however, be asked, why these rates of freight, upon these articles, are confined to Etowah Depot? Why not apply to all depots on the Road? I reply, simply because the enterprise of manufacturing flour and iron, along the line of the Road, is within the immediate vicinity of Etowah, and is the only point which, at present, would be benefitted. When Flouring and Iron Mills shall spring up, at other points, within such distances from the Road, that, by its rates of freight, it may encourage and strengthen them, I unhesitatingly express the opinion, that it will be the duty of those who may be entrusted with its management, to adopt the policy. In reference to iron and coal the Legislature has made it imperative, and deeming the question of *bread* quite as important under the ample power vested in me, I have put the manufacture of flour on the same footing.

If I have erred I have the consolation to know that I have erred on the right side of great interests of the State. If it shall be thought that I have discriminated, I have the consolation to know that it is not for or against '*persons or parties*,' but in favor of three great interests, worthy the fostering regard of statesmen, and against no other interest, so that if the former be benefitted, the pleasure it gives me is not marred by the reflection, that it has been at the expense of the other.

2. The second specification asserts, 'that higher rates of freight have been demanded and collected from the political

party *out* of power, than were asked of the party *in* power, (both being on the same or similar mission, when these respective, but different rates of freight were charged and collected,) which distinction between parties, on account of political opinion, was unjust, odious and plainly infractive of law.'

If the words 'rates of freight,' are used in their ordinary sense, the charge contained in this specification is simply false.

Perhaps, however, they were used as synonymous with rates of *fare*. If so, I can understand the illusion by my recollection, that it was charged during our late Gubernatorial canvass, that in going to, and returning from their respective mass meetings, at Cartersville, the party *in* power was charged less than the party out of power. I have no personal knowledge of this matter. All I know is from the statement of the Superintendent, and, therefore, I refer you to his reply for information, I have no doubt he will satisfy candid men, that it was a fair, legitimate business transaction, not influenced by political considerations, and that the lowest rate of fare allowed during the canvass, was to and from a Know-Nothing Mass meeting.

3. The next specification asserts, 'that specie has been transported over the Road, free of charge, in one instance, and taxed with freight in another, which distinction evinces partiality, disregards and breaks the law;'

I do not remember to ever have heard of this, until I read your preamble. But in a conversation with the Superintendent, I am informed that the shipment of the specie, in the instance alluded to, took place under an arrangement between him and the shipper, which he deemed equivalent to, if not more advantageous to the Road, than the usual rate of freight. He will explain fully, and I refer you to his answer for information.

4. The fourth specification charges, 'that full fares have been demanded and collected of a Rail-road Agent, known and recognised as such, and in other cases, Rail-road Agents, on precisely the same footing, have been passed free, which distinction was made on account of the political opinions of said Rail-road agent, nothing to the contrary having been shown, or is possible to be shown.'

I know nothing of this matter, except as explained to me by the Superintendent; and, explaining as he did, I frankly confess that I think he did right. It might have been more courteous to the Rail-road company, whose agent the individual alluded to was, to have first notified its President, that the usual courtesy extended to such agents, would be withdrawn from him. But a different course was taken without any consultation with me. For, indeed, I did not even know of the Agency of that individual until after the

demand and collection of fare from him. I therefore refer you to the reply of Maj. Cooper, for all the reasons on which he proceeded.

5. The last specification alleges, 'general want of judicious economy,' which, with the other specifications, 'argues and demonstrates the want of something, either firmness or prudence or capacity, on the part of the Superintendent, or his superior in office.'

"A general want of judicious economy,"—let me test this assertion by figures. The term '*economy*' evidently points to the expense of operating and maintaining the road. This is necessarily relative—that is, in proportion to the gross receipts. When the receipts are large, the per centum of expenditure is large, and as a general rule, is uniform in its ratio. Let us try this accusation, by comparing the expenditures on this score, for the last two years of the administration of my immediate predecessor. The gross receipts of the road for the fiscal year 1854, was \$591,154 78, and the expense of operating and maintaining the road for the same period, was \$253,031 78, being 42 8-10 per cent. on the aggregate earnings. The aggregate receipts of the road for the fiscal year 1855, was \$688,930 56, and the expense of operating and maintaining for the same period, was \$259,883 33, being 37 $\frac{3}{4}$ per cent. on the gross earnings. The aggregate gross earnings for the same two years, was \$1,280,085 34, and the aggregate expense of maintaining and operating the road for the same period was \$512,915 11, showing an average ratio of about 40 per cent.

Superintendent Yonge's report, for eight months, including from the 1st of February, 1852, to the 30th of September, 1852, gives the gross earnings of the road to be 278,229 38, and the expense of maintaining and working the road for the same period, \$136,695 79, being little less than 50 per cent. on the gross earnings; whereas, for the fiscal year 1854, the ratio was but 42 8-10 per cent. Mr. Yonge's report for the fiscal year 1853. shows the gross earnings of the road to have been \$478,876 06, and the expense of working and maintaining the road during the same period, \$251,167 05, being about 52 per cent. on the gross earnings; whereas, for the fiscal year 1855, the expense was 37 $\frac{3}{4}$ per cent. Mr. Yonge states "the expense of working the road has been about 52 per cent." on the gross earnings of the period covered by his report, say from 1st February 1852, to the 30th September, 1853, the ratio would not have been materially varied, I presume, if he had embraced both fiscal years 1853 and 1854; whereas, the average ratio of expense to gross earnings, during the fiscal years 1854 and 1855, was about 40 per cent. I do not draw this comparison to disparage Mr. Yonge's administration of the road. On the contrary, I take pleasure in admitting that it was successful. But, if his

administration was acceptable, and justly regarded worthy of commendation, it does not seem quite just to characterize the *present* as wanting in "judicious economy," when it is demonstrable by figures, that the expense of maintaining and working the road under the former, was 52 per cent., and under the latter, in the face of a largely increased business, was 40 per cent. upon the gross earnings.

Having disposed of the specifications contained in your Preamble, I shall not perpetrate the indelicacy of discussing the "firmness or prudence or capacity" of the "Superintendent or his superiors in office." But I will take the liberty of making a remark of two as to what I consider to be the sound policy in the management of the Western & Atlantic Rail-road. Whilst it is wrong to discriminate in the establishment of rates of freight, for or against "persons or parties," discriminations ought to be made for the encouragement of the great *interests* in the State, where it can be done without detriment to other interests. For instance, who suffers by such an adjustment of freights on coal and iron, as will encourage the developments of our rich beds of ore? Nobody is injured, and yet, by such a policy, important aid is extended to those who have embarked in the iron enterprise. Who is injured by a similar policy, in reference to wheat shipped over the road for milling purposes? It may, for the present, bring a few dollars less into the Treasury, but in the end, it will result in a vastly augmented business to the road. Moreover, although the encouragement to the flouring business is direct, it operates favorably upon capital and labor that are employed in that branch of Agriculture.

Take another instance: the region through which this great road runs, abounds with inexhaustible beds of limestone. Would any true hearted Georgian complain of discrimination in the rates of our freight, in favor of lime burned in the State, and shipped for agricultural purposes? It might slightly diminish the revenue of the road for a few years, but in the end, it would more than quadruple the receipts upon this item, in the combined impulse it would impart to the manufacture of lime, and the increased fertility it would bestow upon our exhausted lands. Under the act for the government of the Western and Atlantic Rail-road, to which I have already referred, the Superintendent and Executive are clothed with ample power to adopt this *policy*. The Legislature of 1852 have sanctioned the *principle* by the resolution which I have quoted; and unless restrained by law, I shall apply it to such great *interests* of the State, as may not be able to struggle into development without its aid.

I have the honor to be,

Most respectfully,

Your obedient serv't,

HERSCHEL V JOHNSON.

(B.)

WESTERN & ATLANTIC RAIL ROAD, }
 Atlanta, Ga., Feb. 1, 1856. }

Gentlemen—I have received your Preamble and Resolution, with the request that I should furnish full information of all the *facts* connected with the matters referred to in said Preamble.

It is presumed that a portion only of this Preamble is referred to me. I will not be expected to consider whether the Road has been managed “greatly to the detriment of the interest and honor of the State,” whether certain measures were “unjust and odious,” nor whether the ‘Superintendent or his superior in office’ possess the necessary ‘firmness, prudence and capacity.’ Regarding your call as only for such facts as are supposed to form the basis of these allegations, I will endeavor to comply with your request.

The first specification is, that “rates of freight established to and from Etowah Depot were in violation of law.”

The law which governs the general assessment of freight is found in Section 3d, of ‘an act for the government and management of the Western & Atlantic rail road,’ approved January 15, 1852, and the language is as follows: ‘It shall be the duty of the Superintendent, by and with the consent of the Governor, to establish rates of freight and passage, and to make all necessary arrangements respecting such rates with other roads.’

The Legislature has not undertaken directly to establish rates of freight for the State road. That power is expressly confided to the discretion of the Governor and Superintendent, and in the discharge of their duty, these officers have established rates of freight for Etowah depot. The road is now organized under this act, and it contains nothing further on the subject of rates. It seems clear, then, that those rates have not been established ‘in violation of law, but strictly in accordance with the law.

The second specification is, that ‘higher rates of freight have been demanded and collected of the political party *out* of power, than were asked of the party *in* power, (both being on the same or similar missions when these respective but different rates of freight were charged and collected.’)

It is utterly untrue that different rates of ‘freight’ have been charged to different political parties. They have been charged according to published rates, without deviation, excepting occasionally, by special contract, having no reference to politics. Probably the mover of this specification intended to say ‘fares’ instead of ‘freights,’ having reference to some deductions from regular rates of fare, which were allowed for several mass meetings during the last political canvass.

It has been the practice of this road to charge two thirds of the full fares on occasions when such reduction promised to

increase the number of attendants, and make the excursions more profitable than they would be by an adherence to usual rates. They were placed at the two thirds rates for the first three political meetings, one at Cartersville, August 1st, and two at Calhoun, August 10th and 11th. There being few or no tickets from Atlanta and Marietta to Calhoun, the interest in these assemblages seeming to decline by this repetition, I tried the experiment of a further reduction, to induce a more general attendance, and charged the return ticket between Atlanta and Cartersville from \$2 30 (the two-third rate) to \$2, and the return ticket between Marietta and Cartersville was reduced from \$1 30 cts. to \$1. Finding that the sales of tickets increased under the reduction, I experimented still further to increase the attendance by reducing the fares, and came down to *one half rates only for the Know Nothing Mass Meeting at Dal. on, the very lowest rate charged for any of the meetings.* I felt fully at liberty to arrange these rates, of fare on extra trains, so as to produce the greatest revenue to the Road, and it is believed the reduction had the desired effect.

The third specification is this: "Specie has been transported over the road free of charge in one instance and taxed with freight in another." *

This probably refers to an agreement made with some Weestern gentlemen who were engaged in the business of sending home for redemption the bills of the 'Atlanta' and 'Interior' banks. Before making the first operation, I was called on by Mr. Washburn of Illinois, as the representative of the parties who were engaged in sending these bills. He explained their intention, which was, to send the bills about once in every fortnight by a special messenger, with not less than two guards, to come and return by this road, which would insure the sale of twelve through tickets, amounting to sixty dollars per month, on this business alone. He further showed that to tax the specie with our charge for transportation would defeat their purpose, and the business must be conducted in some other way; if we insisted on our charge, the bills would be sent by mail or 'express,' and the coin drawn from the bank would be converted into exchange, so that the road would derive no revenue whatever from their operations.

He agreed also to clear the road from all liability from loss, and take upon himself all risk of the safe transportation of the treasure. Seeing that it was clearly the interest of the road to accept the proposal, I did so without hesitation.

I have stated my rule of action in this instance, but I beg leave further to express my satisfaction that the direct pecuniary interest of the road comported so happily with an incidental duty it owed the public. I consider it peculiarly fortunate that it fell within the province of the State to offer

facility of access to those who were engaged in placing a salutary restraint upon the odious system of banking which emanates chiefly from the above named institutions, so much to the discredit of the currency of Georgia. I do not contend that the Superintendent of a railroad should admit such considerations to control his action, but if in exercise of a plain duty, he can contribute to a result so much to be desired as the above, the act may challenge the approval of those who would rescue the name of Georgia from reproach which has attached to her as the parent of the litter of wild cat banks that now infest the country.

The fourth specification is, that 'full fares have been demanded and collected of a railroad agent, known and recognized as such, and in other cases rail road agents, on precisely the same footing, have been passed free, which distinction was made on account of the political opinions of said railroad agent.'

It is true that I ordered the conductors to demand payment from a certain railroad agent whenever he travelled upon the road. I was aware that he was soliciting agent for the Savannah Route, when I ordered him charged, and I did and do yet pass free the agents of all other connecting roads. While I have with pleasure conformed to the established custom of interchanging the courtesies of free tickets with rail road officials, I did not feel restrained by that usage from retaliating upon a person, (although a rail road officer) who availed himself of every opportunity to villify the administration, and to censure the management of the road. He was known as the writer of several very scurrilous articles in the opposition press, and he was engaged industriously in collecting material for assailing the rail road policy of the administration, making free use of his free ticket for that purpose. He could not discern the striking incongruity of accepting our hospitality, as it were, and yet setting no limit to the measure of his abuse. I had it in my power to reconcile the inconsistency of placing him on a footing with the general travelling public, and did so, that he might indulge his thirst for detraction, unrestrained by the consciousness that he was vituperating those whose favor he was receiving.— Though well assured that if I had reported to his employees that their agent was offensive to the road, he would have been promptly withdrawn; still I considered that a slow way of reaching his case, and preferred a more summary way of convincing him that he should not enjoy the freedom of the road while he was its unscrupulous reviler. That the distinction was not 'political' as charged, will appear from the fact that the agent of the other route entertained the same political views as the individual above referred to, and yet we have passed the one and charged the other.

You have now, gentlemen, a full statement of my action,

as Superintendent of the Western and Atlantic Railroad, in the several affairs detailed in your specifications.

All of which is most respectfully submitted.

JAMES F COOPER, Sup't.

Messrs. Murphy, Phillips, Terhune, Hill and Simms, Committee.

Mr. Jeter moved that three thousand copies of the same be printed for the use of the Senate; which motion was lost.

Mr. Screven moved that six hundred copies of the same be printed; whereupon the yeas and nays were required to be recorded and are yeas 54, nays 37.

Those voting in the affirmative are Messrs. Adams, Allred, Atkinson, Beall, Beasely, Bloodworth, Brown of Baldwin, Brown of Gwinnett, Camden, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Dabney, Gordon, Griffin, Guerry, Hale, Hamilton, Harris of Taliaferro, Harris of Worth, Hays, Head, Howell, Jeter, Knight, Lawson of Burke, Matthews, McGuire, McIntosh, McMillan, Moody, Moore of Lincoln, Moreland, Morris, Murphy, Newton, Nichols, Patterson of Gilmer, Pharr, Poole, Renfroe, Roddenberry, Sapp, Shropshire, Simms, Screven, Strickland, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Avery, Billups, Buchanan, Calhoun, Cannon, Causey, Crowder, Dixon, Dunnagan, Dupree, Fambro, Hardeman, Hill, King, Landrum, Lawton, Long, Lott, Maddux, Marshall, McCrimmon, McDonald, Murray, Ragan, Reddish, Riley, Robinson, Rudisill, Scott, Smith, Studstill, Sumner, Swinney, Turner, Wales, Ware and Wellborn.

So the motion prevailed.

Mr. Cone of Greene moved that one hundred and twenty-five copies of the message of his Excellency the Governor, in relation to the suits against the State of Georgia in the courts of Tennessee, together with the report of the select committee in relation to the same, and the documents accompanying the same, be printed for the use of the Senate; which motion was agreed to.

On motion of Mr. Buchanan, the order was suspended and the Senate took up the report of the committee of the whole on the bill of the House of Representatives to compensate Alman Guinn for the apprehension of William Mitchell, a fugitive from justice: and to appropriate money for the same. The report was agreed to; the bill was read the third time and passed.

Mr. Swinney moved that the rules be suspended to take up the following resolution, to-wit:

Whereas, it has been a time-honored custom to celebrate the 22d of February as the birthday of General George Washington. Be it therefore

Resolved, That the Senate adjourn until half-past nine, A M., to-morrow.

The motion was lost.

The Senate took up the regular order, which was the consideration of the report of the committee of the whole on a bill to authorise the Governor to call a convention of the people of the State of Georgia upon certain conditions therein mentioned.

On motion of Mr. Jeter, the same was passed over for the present; and on motion of Mr. Cone of Greene, one hundred and twenty copies of the same, together with the report of the Committee on the State of the Republic, and the bill reported, be printed.

The Senate took up the special order, which was the consideration of the report of the committee of the whole on a bill to appropriate money for the completion of the State Lunatic Asylum, and for other purposes.

The Select Committee to whom the same was referred, reported the following substitute as an amendment to the original bill, which was taken up by sections, to-wit:

A bill to be entitled an act to appropriate money for the completion of the State Lunatic Asylum.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of fifty-five thousand dollars be and the same is hereby appropriated annually for the years 1856 and '57, for the completion of the State Lunatic Asylum, and his Excellency the Governor is hereby authorised and required to issue his warrant for the same, or so much thereof as may be necessary to carry on the work now in progress, to its completion.

Section 2d. *Be it further enacted*, That the Commissioners or their successors appointed by the Governor under an act of the Legislature of 1854, be and are hereby required, to require of the contractors for the work, bond and security to complete the same according to the plan and specifications which they have heretofore adopted, and his Excellency the Governor is hereby required to confine the expenses and contemplated operations of the contractors within the limits of this appropriation and according to the true, intent and meaning of this section.

Section 3d. *Be it further enacted*, That it shall be the duty of the Commissioners aforesaid, to take bond and security from the Superintendents of the work in double the amount of their salary or fees, for the faithful performance of their duties, both as regards the perfection of the work done by the contractors, and the rejection of such material as is not fit and suitable for the erecting a building of the kind, and it shall be the duty of his Excellency the Governor, to visit or have visited the Asylum buildings whenever he may deem

it advisable for the interest of the State, and should he consider that the work is not properly conducted and faithfully executed, he shall be, and by the provisions of this section is required, to suspend the issuing of his warrants for the payment of said Superintendents and Contractors until the work shall be faithfully executed in pursuance of their contracts.

Section 4th. *Be it further enacted*, That all laws and parts of laws which conflict with this act be and the same is hereby repealed.

Mr. Hardeman moved to amend the same by adding the following as an additional section, to-wit:

That none of the officers or employees of the Lunatic Asylum shall take contracts on said work, or furnish materials for the same, or provisions for the hands employed on said work; which motion was agreed to. The amendment of the Select Committee as amended was agreed to.

The report of the committee of the whole as amended was agreed to; the bill was read the third time, and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 54, nays 38.

Those voting in the affirmative are Messrs. Adams, Avery, Beasely, Brown of Baldwin, Brown of Calhoun, Buchanan, Calhoun, Camden, Carlton, Cumming, Dabney, Dunningan, Guerry, Hale, Hardeman, Harris of Worth, Head, Jamison, King, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moreland, Murphy, Murray, Newton, Nichols, Pharr, Ponder, Poole, Ragan, Reddish, Riley, Rudisill, Screven, Smith, Spalding, Strickland, Studstill, Swinney, Turner, Wales, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Beall, Billups, Bloodworth, Brown of Gwinnett, Cannon, Cantrell, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Gordon, Griffin, Hamilton, Harris of Taliaferro, Hays, Hill, Howell, Marshall, Moore of Lincoln, Morris, Patterson of Gilmer, Paulk, Renfro, Robinson, Roddenberry, Shropshire, Simms, Scott, Sumner, Ware, Welborn and White.

So the bill was passed.

Pending the call of the yeas and nays upon the bill to appropriate money to the completion of the Lunatic Asylum, the following paper was read and ordered to be entered upon the Journals, to-wit:

The undersigned, feeling that it is the duty of the present Legislature to rebuke the unwarranted assumption of power by those to whom was committed the duty of carrying out the recommendations of the last General Assembly in reference to the enlargement of the buildings of the Lunatic

Asylum, yet not being willing to visit upon those unfortunate persons, who have been sorely afflicted by a kind Providence, the misdeeds of those who have violated the trust reposed in them by a confiding General Assembly, vote for the bill upon your table, under this protest of censure upon those who have without warrant of law, and contrary to the expressed provisions of the statute vesting in them this brief authority, and limiting the amount to be expended in the erection of these additional accommodations, forced the present General Assembly to make this additional appropriation to prevent a total loss to the State of the amount appropriated by the last General Assembly.

THOS. HARDEMAN, Jr.

A. H. RILEY,

D. N. SMITH,

S. A. WALES,

M. T. MOODY,

WM. B. MARSHALL.

On motion the Senate took up the report of the committee of the whole on a reconsidered bill to lay out and organise a new county from the county of Union and for other purposes therein specified.

On motion of Mr. Cone of Greene, the third section was amended by inserting after the words "new county" the following, to-wit:

That the Justices of the Inferior Court shall hold their offices until the first Monday in January, 1857; that the Receiver of Tax Returns and Tax Collector shall hold their offices until the first Monday in January, 1857; the Sheriff, Coroner, Surveyor, Clerks of the Superior and Inferior Courts, until the first Monday in January, 1858; and the Ordinary of said county until the first Monday in January, 1860: and until their successors are respectively elected and qualified.

On motion of Mr. Strickland, the word 'Knox' in the second section was stricken out, and the word 'Towns' inserted in lieu thereof. The report of the committee as amended was agreed to; the bill was read the third time and passed under the following title, to-wit:

An act to lay out and organise a new county from the counties of Union and Rabun and for other purposes therein specified.

The Senate took up the report of the committee of the whole on a bill to incorporate Fort Gaines Bridge Company and to punish those who may wilfully impair the same.

The report of the committee was agreed to; the bill was read the third time and passed, and ordered to be forth with transmitted to the House.

The Senate took up the report of the committee of the whole on a bill to legalise certain processes in Monroe Co.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to define the jurisdiction of the Courts of Ordinary in this State, and for other purposes.

The report of the committee was agreed to; the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to provide compensation for the commissioned officers, non-commissioned officers, musicians and privates of certain companies and for other purposes.

A bill to be entitled an act to authorise the Bank of the State of Georgia to establish a Branch Bank in the city of Rome, Georgia, and for other purposes.

A bill to be entitled an act to add an additional section to the 4th division of the Penal Code of this State.

A bill to be entitled an act for the relief of John W. Carlton of the county of Fulton, who received serious injury whilst in the employment of the State.

A bill to be entitled an act for the relief of John A. Jones of the county of Polk.

A bill to be entitled an act to give certain privileges to the Justices of the Inferior Court of the county of Harris.

A bill to be entitled an act to give further time for holding the Superior Courts of Sumter, Lee, Dougherty and Baker counties.

A bill to be entitled an act to alter and change the lines between the counties of Newton and Jasper.

A bill to be entitled an act to determine what shall be sufficient allegations in indictments charging the offence of unlawful trading and dealing with slaves, and to amend the fourteenth section of the thirteenth division of the Penal Code, and for other purposes.

A bill to be entitled an act to provide for the sale of insolvent tax executions in the several counties of this State, and to authorise the purchase at such sales and their transferees, or whoever may hold the same, to collect the same.

A bill to be entitled an act to alter and amend the several acts passed, prescribing the manner of compensating the Grand and Petit Jurors of the county of Lumpkin.

A bill to be entitled an act to incorporate the Walton Female College to be located at Monroe in Walton county, with power to appoint a President and Directors, confer Collegiate degrees; and for other purposes therein specified.

A bill to be entitled an act to confer certain powers on Henry Davenport and James Knott of Clarke county.

A bill to be entitled an act to alter and change and amend

the second section of an act entitled an act to regulate the advertising of Clerks, Sheriffs and other State and County Officers; and to provide for the preservation of the newspapers containing said advertisements and for other purposes.

A bill to be entitled an act to authorise the Justices' Courts to establish lost papers to the amount of their jurisdiction; and charge for the same, prescribed by this act.

A bill to be entitled an act to change certain county lines therein mentioned.

A bill to be entitled an act relative to the re-survey of the sixth district of Habersham county, and authorise the sale of certain property in the city of Columbus; and for other purposes therein mentioned.

A bill to be entitled an act to amend an act to improve the navigation of Great Ogeechee river, so far as the appointment of new Commissioners are concerned, by adding certain persons therein named, to the Commissioners in said act mentioned, approved February 7th, 1854.

A bill to be entitled an act to incorporate the Hancock Internal Improvement and Banking Company, and confer certain privileges on the same.

A bill to be entitled an act to authorise and provide for the union and consolidation of the Muscogee Rail-road Company with the South-western Rail-road Company under the charter of the latter company.

A bill to be entitled an act to appropriate a sum of money to erect a monument in honor of the Hon. Andrew J. Miller, deceased.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary:

Mr. President—I am instructed to inform the Senate that the following acts have been approved and signed by the Governor, to-wit:

An act to exempt certain property of the city of Savannah from taxation.

An act to add the county of Carroll to the 4th Congressional district.

An act to legalise the place of holding Justices Courts in the 537th district, G. M. in the county of Upson.

An act to protect the planters of oyster beds, and to give exclusive right to the usufruct of natural beds of oysters in certain cases, and to prevent the taking of terrapins and turtle in certain seasons.

An act to incorporate the Sixes Mining Company of Georgia.

An act to alter and amend the fifth section of an act incorporating the Trustees of the Southern Botanic Medical College, approved Dec. 11th, 1839.

An act to authorise the City Councils of Savannah and Augusta, each to elect or appoint ten auctioneers or vendue masters.

An act to authorise and require the Treasurer of the Glynn County Academy to pay over certain monies now in his hands.

An act to authorise Constables in and for the counties of Telfair, Irwin and Coffee, who have taken oath and given bond in terms of the law, to serve any process whatever on the Sheriffs of their respective counties and return the same to the Court from whence such process issued.

An act for the relief of Giles Widener of the county of Gordon.

An act to regulate the collection of Jury fees in the Superior and Inferior Courts of the counties of Coweta, Floyd and Cass.

An act to incorporate a bank to be located in the city of Macon, to be called the Bank of Middle Georgia.

An act to point out the mode of ascertaining the relief and support to which widows and orphans are entitled out of the estates of their deceased husbands and parents, in cases where letters testamentary or of administration shall be hereafter granted, and for other purposes.

An act to compensate Grand and Petit Jurors of the counties of Caloosa and Polk.

An act to incorporate a bank in the town of Athens, to be called the Bank of Athens.

Mr. Moore of Lincoln submitted the following report: The special committee, consisting of Messrs Miller, Moore of Lincoln and Peeples, to whom was referred a bill to be entitled an act for the preservation and protection of the rights of married women, and the distribution of their estates, being prevented by the sudden death of Mr. Miller, (who had said bill in his possession,) from fully discharging the duty incumbent on them; and said committee being now dissolved by the death of Mr. Miller and absence of Mr. Peeples, I therefore ask leave to report said bill back to the Senate for such action as may be deemed right and proper, without any expression of opinion upon my part.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to provide for the calling a Convention of the people of this State, to prescribe the number of delegates, and the mode and manner of their election, and their duties; and to fix the time and place of meeting of said Convention, and for other purposes therein mentioned.

On motion of Mr. Cone of Greene, the 3d section was amended by striking out the word 'May' and inserting 'June.'

On motion of Mr. Cone of Greene, the 4th section was amended by striking out 'June' and inserting the word 'July'

On motion of Mr. Cone of Greene, the 10th section was amended by inserting after the words 'ratification on,' the

words 'the Tuesday after,' and by striking out 'October,' and inserting the word 'November.'

Also, the 11th section was amended by striking out the words 'Monday in October,' and inserting the words 'Tuesday after the 1st Monday in November next.'

Also, the 22th section was amended by striking out the words 'first Wednesday of November' and inserting the words 'second Wednesday of January.'

Mr. Head moved that the Senate adjour; which motion was lost.

Mr. Carlton moved the previous question, which being seconded, the main question was ordered to be put, and was decided in the affirmative; and report of the committee as amended was agreed to; the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 23, nays 58.

Those voting in the affirmative are Messrs. Beall, Beasley, Brown of Baldwin, Camden, Cone of Greene, Guerry, Head, Hill, Landrum, Lawson of Burke, Long, McMillan, Moore of Lincoln, Moreland, Morris, Ragan, Shropshire, Simms, Scott, Screven, Strickland, Swinney and Wales.

Those voting in the negative are Messrs. Adams, Allred, Atkinson, Avery, Bloodworth, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Crowder, Cumming, Dabney, Dixon, Dunnagan, Dupree, Fambro, Gordon, Griffin, Hale, Hamilton, Harris of Taliaferro, Howell, Jamison, Jeter, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McGuire, McIntosh, Moody, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Reddish, Renfroe, Roddenberry, Rudisill, Sapp, Studstill, Sumner, Turner, Ware, Wellborn Whitaker, White and Wingfield.

So the bill was lost.

On motion of Mr. Carlton, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole on a bill to change and organise the several Congressional District of this State therein named.

Mr. Carlton moved to lay the same on the table for the balance of the session; whereupon the yeas and nays were required to be recorded and are yeas 62, nays 18.

Those voting in the affirmative are Messrs. Avery, Beall, Beasley, Bloodworth, Brown of Gwinnett, Calhoun, Cannon,

Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Greene, Crowder, Dabney, Dixon, Dunnagan, Dupree, Fambro, Hale, Hamilton, Hardeman, Harris of Taliaferro, Head, Hill, Knight, Lawton, Lott, Maddux, Marshall, McCrimmon, McGuire, McIntosh, McMillan, Moody, Moore of Lincoln, Morris, Murphy, Murray, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Sumner, Swinney, Turner, Wales, Ware, Whitaker, and White.

Those voting in the negative are Messrs. Allred, Buchanan, Cumming, Gordon, Griffin, Guerry, Harris of Worth, Howell, Jamison, Jeter, Lawson of Burke, Long, Matthews, McDonald, Rudisill, Smith, Strickland and Wingfield.

So the motion prevailed.

On motion the Senate took up the following bill of the House of Representatives to remove the Penitentiary of this State to appropriate money for the same, and for other purposes therein mentioned; which was read the second time.

On motion of Mr. Cone of Bulloch, the same was made the special order for Wednesday the 27th inst.

On motion the Senate took up the following bill of the House of Representatives: to compensate Dr. Bedford J. Head for medical services rendered to the citizens of Oglethorpe, during the prevalence of small pox in said city;— which was read the second time.

On motion the Senate took up the following bill of the House of Representatives, to-wit:

A bill to authorise the Ordinary of Twiggs to grant letters of guardianship to Daniel W. Shiue; which was read the second time.

On motion the rules were suspended and the following bills of the House were taken up and read the first time, to-wit:

A bill to provide for the union and consolidation of the Muscogee Rail-road with the South-western Rail-road Company, under the charter of the latter company.

Also, a bill to provide for the election of Trustees of Ettingham County Academy, and for other purposes.

Also, a bill to amend an act entitled an act to improve the navigation of Great Ogeechee River, so far as the appointment of new Commissioners are concerned, by adding certain persons herein named, to the commissioners in said act mentioned, approved Feb'y 7th, 1854.

On motion the rules were suspended and the Senate took up the report of the committee of the whole on a bill of the House to explain and supplementary to an act entitled an act to authorise the Inferior Court of the county of Washington, to levy and collect an extra tax for the purpose of building a Court-house and Jail, assented to December 22d,

1855. The report of the committee of the whole was agreed to; the bill was read the third time and passed.

On motion, the rules were suspended and the Senate took up the report of the committee of the whole on a bill of the House of Representatives to confirm and ratify the action of the Superior Court of Muscogee county in granting charters to the Muscogee Building and Loan Association and the Columbus Building and Loan Association, and to legalise the acts of said Associations. The report of the committee of the whole was agreed to; the bill was read the third time and passed.

Mr. Murphy from the Select Committee to whom was referred a bill to lay off and form a new county out of the counties of Cobb, Cherokee, Forsyth, Gwinnett, DeKalb and Fulton, and to organise the same, reported the same back with an amendment, and recommend the passage of the same.

On motion the Senate took up the report of the committee on a bill to lay out and form a new county out of the counties of Cobb, Cherokee, Forsyth, Gwinnett, DeKalb and Fulton, and to organise the same.

Mr. Ware moved to postpone the same indefinitely,—whereupon the yeas and nays were required to be recorded and are yeas 52, nays 24.

Those voting in the affirmative are Messrs. Beasley, Brown of Gwinnett, Buchanan, Causey, Chastain, Cone of Bulloch, Cone of Greene Crowder, Cumming, Dixon, Dunnagan, Gordon, Griffin, Hamilton, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, Hill, Hines, Howell, Jamison, Jeter, Lawton, Maddux, Marshall, Matthews, McCrimmon, McIntosh, Moody, Moore of Lincoln, Murray, Newton, Nichols, Paulk, Ponder, Poole, Ragan, Reddish, Renfro, Riley, Robinson, Rudisill, Sapp, Shropshire, Simms, Scott, Smith, Studstill, Sumner, Turner and Wales.

Those voting in the negative are Messrs. Billups, Bloodworth, Calhoun, Camden, Cannon, Cantrell, Carlton, Coffee, Dabney, Dupree, Guerry, Hale, Lawson of Burke, McDonald, McGuire, McMillan, Morris, Murphy, Patterson of Gilmer, Screven, Strickland, Swinney, Ware, Whitaker and White.

So the motion prevailed.

The Senate took up the report of the committee of the whole on a bill of the House Representatives to incorporate the town of Hartwell in the county of Hart; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of whole on a bill of the House of Representatives to provide for the survey of the Okefeenokee swamp; the report of the com-

mittee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives for the relief of Wilson L. Owen of Upson county; The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives, to repeal an act to amend the patrol laws of this State, approved February 20th, 1854, so far as relates to the county of liberty; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act to legalize the election of Henry R. Cody of the county of Warren as Ordinary of said county, and to authorize a commission to be issued to him, and for other purposes.

An act for the relief of John H. Kelly of the county of Hancock.

On motion of Mr. Hardeman, the Senate proceeded to the third reading of bills of the House Representatives.

The Senate took up the report of the committee of the whole on a bill to change the corporation line of the city of Rome, so as to exclude the lands of Lewis D. Burwell now in said city; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the town of Hillsboro in the county of Floyd, and for other purposes; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorize the Inferior Court of Polk county to levy an extra tax for county purposes, upon the recommendation of the Grand Jury of said county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to authorize certain persons therein named to build a bridge across the Chattahoochee river, and for other purposes.

Mr. Wales moved to amend the same by adding the following proviso, to-wit:

“Provided the citizens within the corporate limits of the city of Columbus shall consent to the building of the same, their assent or dissent to be ascertained in such manner as the City Council may prescribe and order; which motion was agreed to.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to compensate Grand and Petit Jurors of the county of Decatur.

On motion of Mr. Simms, the same was amended by striking out the words "two dollars" in the 1st section, and insert "one dollar and a half."

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to allow further time for Sheriffs and their Deputies, for the service of writs, declarations, processes and bills.

On motion the same was amended by striking out the word "ten" and insert the word "five."

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to incorporate the Rome Volunteers, and to grant certain privileges to the members of the same.

Mr. Harris moved to amend by striking out the 4th section, which motion was agreed to.

Mr. Moore of Lincoln moved to amend by adding the following as an additional section, to-wit:

And be it further enacted, That the members of the Washington Artillery, a volunteer military corps in the city of Augusta, be and they are hereby incorporated and made a body politic under the said name and style, with power to pass and enforce all necessary by-laws, rules and regulations necessary to the purposes of their organization, with succession of membership, and authority to receive and hold property for the same purposes.

And be it further enacted, That the active members of the Washington Artillery be and they are hereby exempted from the performance of Jury duty in all the courts of the city of Augusta or county of Richmond, and that the honorary members of said corps, be and they are hereby exempted from all ordinary militia duty in said county.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed under the following title:

A bill to incorporate the Rome Volunteers and Washington Artillery of Augusta, and to grant certain immunities and privileges to the members of the same.

On motion the rules were suspended; and the Senate took up the report of the committee of whole on a bill to authorize the Georgia and Florida rail road company to construct a branch road.

Mr. Simms moved to amend the same, by striking out after the enacting clause, and inserting the following in lieu thereof.

That the Georgia and Florida Railroad company, be and they are hereby authorized to extend a branch of said Road, from Albany in Dougherty county, or at any other point on said road, to the Chattahoochee river at Steubenville sand bar in said river, or at any other point on said river, and also to the Flint river, at the town of Bainbridge in the county of Decatur in said State, with the same privileges, restrictions and liabilities as are contained in the original charter of said Georgia and Florida rail road company.

Sec. 2d, *Be it further enacted by the authority aforesaid*, That all laws and parts of laws conflicting are hereby repealed.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to add additional sections to the fourteenth division of the Penal Code of the State of Georgia.

On motion of Mr. Screven the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Caleb J. Montcrief and Young J. Browning, citizens of the county of Meriwether; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to incorporate the Griffin Savings and Mutual Loan Association.

On motion of Mr. Cone of Greene. the same was referred to the committee on banks.

Messrs. Dabney, Spalding and Turner, were, on motion, granted leave of absence for a few days.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment, and proceeded with the regular order, which was the consideration of the report of the committee of the whole on a bill to incorporate Ocmulgee Mills; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Robert McIntire of the county of Chatham; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on a bill to incorporate the Nickajack railroad and mining company ; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives, to incorporate the Greenville Masonic Female Institute, located in the town of Greenville, and to confer certain powers on the same ; the report of the committee was agreed to, the bill was read the third time and passed,

The Senate took up the report of the committee of the whole on a bill to alter and change the line dividing the counties of Camden and Charlton, and to appoint commissioners for the same.

Mr. Head moved to amend by adding the following as an additional section :

And be it further enacted, That the line between the counties of Macon and Taylor be, and the same is hereby changed, so as to include within the limits of Taylor county lots of land No. 234 and 239 in the 1st district of originally Muscogee now Macon county, they being the lots on which Asa Marshall and Jno. Whittenden now reside ; the motion was agreed to ; the report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices' Courts, approved December 14th, 1811, so as to allow and authorise the same person to hold the two offices of the Clerk of the Inferior Court and Justice of the Peace at the same time, in the county of Lumpkin.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal the third section of an act entitled an act to make permanent the site of the public buildings in the county of Emanuel at the town of Swainsboro, and to incorporate and appoint Commissions for the same, and to change the name of Swainsboro' to that of Paris, approved February 18th, 1854 ; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Justices of the Inferior Courts of the several counties of this State, upon the recommendations of the Grand Juries thereof, to assess and collect a tax for the payment of Grand and Petit Jurors or Grand or Petit Jurors, and at their pleasure to discontinue and again to re-assess the same upon said recommendation.

Mr. Simms moved to amend by inserting the following, to-wit :

“Provided, that nothing herein contained shall extend to

the counties of Decatur, Lincoln, Montgomery, Tatnall, Stewart, Upson, Washington, Baldwin, Talbot, Fannin and Hart"; which motion was lost.

The report of the committee was agreed to, the bill was read a third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded and ore yeas 37, nays 28.

Those voting in the affirmative are Messrs. Beall, Bloodworth, Camden, Cannon, Cantrell, Coffee, Cone of Greene, Dabney, Gordon, Grant, Guerry, Hale, Head, Hill, Jeter, Landrum, Lott, Maddux, Matthews, McDonald, McGuire, McIntosh, Moreland, Morris, Murphy, Nichols, Pharr, Ponder, Ragan, Reddish, Shropshire, Swinney, Ware, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Brown of Baldwin, Buchanan, Calhoun, Carlton, Causey, Chastain, Crowder, Dixon, Fambro, Hardeman, Howell, Jamison, Knight, Marshall, McCrimmon, Moody, Moore of Lincoln, Murray, Patterson of Gilmer, Poole, Renfroe, Rudisill, Sapp, Simms, Scott, Scriven, Strickland and Studstill.

So the bill was passed,

The Senate took up the report of the committee of the whole on a bill to incorporate Cartersville Lodge of Free and Accepted Masons.

Mr. Patterson of Gilmer offered the following additional section, which was agreed to, to-wit :

And be it further enacted, That Robert R. Hunt, Worshipful Master, J. M. Patterson, Senior Warden, Western R. Welch, Junior Warden, officers of Oak Bowery Lodge, them and their successors in office be, and they are hereby incorporated and made a body politic and corporate by the name and style of Oak Bowery Lodge No. 81, of Free and Accepted Masons, by that name may sue and be sued, plead and be impleaded, may contract and be contracted with, may purchase and convey property, both real and personal, have the right of perpetual succession, have and use a common seal, the same to alter or amend at pleasure, make such bye-laws, rules and regulations as they may deem necessary and proper, not repugnant to the Constitution of this State, nor of the United States.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed under the following title, to-wit :

A bill to incorporate Cartersville Lodge and Oak Bowery Lodge No. 81 of Free and Accepted Masons.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to authorise and require the drawing of Grand and Petit Jurors for the county of Dougherty.

Mr. Lawton offered the following additional section, which was agreed to, to-wit :

And be it further enacted, That a majority of the members of the Inferior Court of the several counties of Baker and Dougherty shall at any time before the sessions of the Superior Courts of said counties, and are hereby directed to meet at their several and respective county sites, and draw for the county of Baker additional panels of Grand and Petit Jurors to serve during the second week of said Court for the ensuing Spring term, and also to draw for the county of Dougherty additional and district panels of Grand and Petit Jurors for the second and third weeks of the ensuing Spring term of the Superior Court of said last named county, which Jurors so drawn shall be summoned to serve accordingly; and authority is hereby granted to the Judge of the Superior Courts of the South-Western Circuit in term time or in vacation to draw as many panels of Grand and Petit Jurors, as in his discretion may be necessary for each week it may take, whether for a regular or adjourned term, to dispose of the business of the several Superior Courts in the several counties of said Circuit.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

On motion of Mr. Hardeman the rules were suspended and the Senate took up and read the second time a bill of the House of Representatives to endow the Southern Botanical Medical College at Macon,

On motion the same was ordered to be engrossed and made the special order for to-morrow.

On motion the rules were suspended, and the Senate took up and read the second time, a bill to authorise the Governor and Comptroller General to correct mistakes of Receivers and Collectors of Tax or of any tax-payer, whereby more money is paid into the Treasury than is required by law, to refund the same.

Also, a bill for the relief of Sarah H. Lamar.

Also, a bill to authorise the building, opening and constructing a rail-road from some point in the county of Union or in the county of Fannin, and for other purposes.

On motion the rules were suspended; and the following bill of the House was taken up and read the first time, to-wit :

A bill to appropriate money to repair the State House, or to provide for its future reconstruction or removal.

On motion the Senate took up the report of the committee of the whole on bill to incorporate the Summerville Female Academies, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Carlton the Senate adjourned until half-past nine o'clock to-morrow morning.

SATURDAY, FEBRUARY 23d, 1856.

The Senate met pursuant to adjournment.

Mr. Lawton moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill to add additional sections to the fourteenth division of the Penal Code of the State of Georgia; which motion was agreed to.

Mr. Knight moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill to authorise the Justices of the Inferior Courts of the several counties in this State, upon the recommendation of the Grand Juries thereof, to assess and collect a tax for the payment of Grand and Petit Jurors; which motion was lost.

The special order of the day was taken up which was the report of the committee of the whole on a bill of the House of Representatives to endow the Southern Botanical Medical College at Macon.

Mr. Jeter moved to recommit the same; which motion was lost.

Mr. Dixon moved the previous question, which being seconded, the main question was ordered to be put, and decided in the affirmative, and the report of the committee of the whole was agreed to, the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded and are yeas 57, nays 30.

Those voting in the affirmative are Messrs. Adams, Beasley, Brown of Baldwin, Buchanan, Calhoun, Camden, Cannon, Carlton, Coffee, Cone of Bulloch, Crowder, Cumming, Dupree, Grant, Griffin, Guerry, Hardeman, Harris of Worth, Head, Hill, Howell, Jamison, King, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Lincoln, Murphy, Murray, Newton, Nichols, Paulk, Pharr, Ponder, Pope, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Shropshire, Simms, Spalding, Strickland, Swinney, Wales, Ware, Wellborn, Whitaker, White and Wingfield.

Those voting in the negative are Messrs. Allred, Avery, Beall, Brown of Gwinnett, Cantrell, Causey, Chastain, Cone of Greene, Dabney, Dixon, Dunnagan, Fambro, Gordon, Hale, Hamilton, Harris of Talliaferro, Hays, Jeter, Maddux, Marshall, Matthews, McCrimmon, Moreland, Morris, Patterson of Gilmer, Poole, Ragan, Scott, Screven and Studstill.

So there being a tie, the President voted in the affirmative, and the bill was passed by a Constitutional majority.

On motion of Mr. Pope the rules were suspended and the Senate took up the report of the committee of the whole on a reconsidered bill of the House to allow Trustees to make returns to the Court of Ordinary.

Mr. Moore of Lincoln moved to amend by adding the following as an additional section, to-wit :

And be it further enacted, That Executors, Administrators, Guardians and Trustees shall be authorised to sell and convey property by Attorneys in fact, in all cases where they may lawfully sell and convey in person; which motion was agreed to.

The report of the committee, as amended, was agreed to, the bill was read the third time and passed under the following title, to-wit :

A bill to allow Trustees to make returns to the Court of Ordinary, and to authorise Executors, Administrators and Guardians to convey property by Attorneys in fact.

On motion of Mr. Pope the rules were suspended, and the following bill of the House of Representatives was taken up and read the first time, to-wit :

A bill for the relief of Martha W. Clower of the county of Clarke and Harriet T. Danforth of the county of Wilkes.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President—The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to appropriate money for the several purposes therein mentioned.

A bill to be entitled an act to amend the twelfth section of the second Article of the Constitution of Georgia so as to permit the General Assembly to unite any two or more of the State House offices.

A bill to be entitled an act for the relief of James Sullivan, Tax Collector for the county of Union, for the year 1854.

A bill to be entitled an act to add an additional section to the Penal Code of the State of Georgia.

A bill to be entitled an act to appropriate money to remunerate William Wills, John M. Wilcher, Charner B. Strange and John Y. Fletcher for expenses and services in bringing from Alabama, Francis M. Collins, a fugitive from justice.

A bill to be entitled an act to incorporate Concordia Lodge No. 45 of Independent Odd Fellows of the town of Irwinton, Wilkinson county.

A bill to be entitled an act to appoint a Commissioner to audit the claim of John H. Howard against the State, and to appropriate money for the payment of the same.

A bill to be entitled an act for the relief of John Usury of Warren county, Georgia.

A bill to be entitled an act to authorise the Ordinary of the county of DeKalb to pay Winston H. Cash the sum of thirty-one dollars for teaching poor children of said county ; and for other purposes.

They have also concurred in the amendments of the Senate to the following bills of the House, to-wit :

A bill to be entitled an act to alter and change the second section of an act incorporating the Dalton and Gadsden Railroad Company.

A bill to be entitled an act to lay out and organise a new county from the counties of Baker and Early.

They have also passed the following bills of the Senate, to-wit :

A bill to be entitled an act to authorise the Judge of the Superior Court of the county of Whitfield to draw two panels of Grand and Petit Jurors for said county.

A bill to be entitled an act to repeal all laws consolidating offices of Receiver of Tax returns and Tax Collector in the county of Irwin.

A bill to be entitled an act to change the mode of apportioning the poor school fund of Baker county with the counties of Dougherty and Calhoun.

A bill to be entitled an act in relation to allowing Tax Collectors an insolvent list by the Grand Juries of the several counties of this State.

A bill to be entitled an act to alter and amend the twelfth section of the first article of the Constitution of this State.

A bill to be entitled an act to authorise the Justices of the Inferior Court of Warren county to levy an additional tax on the State tax sufficient to defray the annual expenses of the county; and one-third of the present indebtedness of said county.

A bill to be entitled an act to incorporate a Bank in the city of Savannah, to be called 'The Timber Cutters' Bank.'

A bill to be entitled an act to alter and amend an act to appropriate a sum of money to remove obstructions from the Big and Little Ohoopie rivers, and to render the same navigable for the transportation of timber, rafts, lumber, wood and produce thereon; and for other purposes herein mentioned, approved Feb. 4th, 1854.

And also the following bills of the Senate, with amendments, to-wit :

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Tattnall and authorise the Inferior Court to assess such additional tax as may be necessary for that purpose.

A bill to be entitled an act giving the election of County Treasurer of the counties of Taylor, Chattooga, Chattahoochee, Calhoun, Spalding, Rabun, Walker, Polk, Worth, Fannin, Campbell and Clinch to the legal voters of said counties.

A bill to be entitled an act for the relief of John J. Morris and John C. Morris of Clay county.

A bill to be entitled an act for the relief of James Henry Fannin of the county of Troup, a minor in the twenty-first year of his age.

A Bill to be entitled an act to incorporate Atlanta Female College, located in Atlanta, and to confer powers on the same.

A bill to be entitled an act to prohibit the payment of storage on cotton in the city of Columbus, by farmers after selling from their wagons.

A bill to be entitled an act to authorise the Ordinaries of Whitfield, Lincoln and Fulton counties to pay arrearages due teachers of poor children for certain years therein named.

A bill to be entitled an act to incorporate Mount Vernon Methodist Camp Ground in Whitfield county, and the Waresboro' Camp Ground in the county of Ware; and to appoint Trustees for the same.

A bill to be entitled an act to incorporate a Bank in the town of Kunggold, to be called the North-Western Bank of Georgia.

To which they desire the concurrence of the Senate.

The Senate took up the special order, which was the consideration of the report of the committee on Banks, and the following, but reported by them, to-wit :

A bill to be entitled an act to require all Banks in this State, and all Banks located out of this State having agencies in this State, to redeem certain bills at the same; and for other purposes.

Sec. 1st. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That any Bank of this State or any other State which has, or may hereafter establish an agency at any place in this State other than the place at which said principal Bank is located for the purposes of circulating bills, discounting bills or other papers, receiving deposits, or selling exchange, said Bank shall be, and is hereby required to redeem in gold or silver coin at said agency, on demand, all bills which said agency may put in circulation where it is located; and no other bills of any such Bank shall be put in circulation or paid away at or by such agency, except such bills as are made payable on their face at such agency, and no bill, bond or note which may be discounted or purchased by said agency, with bills or notes of any such Bank, which are not on their face made payable at such agency, shall be collectable in any Court of Law or Equity in this State, but the same shall be void and all parties thereto discharged from all liability to pay the same. The provisions of this section shall take effect on the 1st day of October next.

Sec. 2d. *And be it further enacted,* That if any agent, within this State, of a Bank located out of the State shall put in circulation any bill or bills of a less denomination than five dollars, issued by a Bank located out of the limits of the State of Georgia, he shall be guilty of a misdemeanor, and

upon conviction thereof, shall be punished by a fine of five hundred dollars, and upon failure to pay said fine shall be subject to imprisonment at the discretion of the Court.

Sec. 2d. *And be it further enacted,* That each and every agent acting as such directly or indirectly at any Bank located out of the limits of this State, shall on or before the 1st Monday in February of each and every year make a return on oath to the Tax Collector of the county in which he is located, of the entire amount of loans, paper discounted and exchange purchased by him and running to maturity, at any time during twelve months immediately preceding such returns, and it shall be the duty of such agent upon making said returns to pay to said Tax Collector thirty-one and a quarter cents upon each one hundred dollars of all loans, paper discounted and exchange purchased by him as aforesaid, and in default of such return or payment the Tax Collector shall issue execution against said agent individually for the sum of two thousand dollars, and if no property can be found then a *capias ad satisfaciendum* shall issue to arrest the body of said agent as in other similar executions.

Mr. Wales moved to postpone the same indefinitely.

The previous question having been called and seconded, the main question was ordered to be put, and was decided in the affirmative.

The question recurred on the motion of Mr. Wales, whereupon the yeas and nays were required to be recorded, and are yeas 31, nays 50.

Those voting in the affirmative are Messrs. Adams, Beasley, Brown of Baldwin, Brown of Gwinnett, Camden, Cantrell, Crowder, Cumming, Guerry, Hardeman, Harris of Taliaferro, King, Landrum, Lawton. McIntosh, Moody, Moreland, Nichols, Patterson of Gilmer, Ponder, Renfroe, Riley, Robinson, Roddenberry, Sapp, Simms, Screven, Spalding, Studstill, Wales and Wingfield.

Those voting in the negative are Messrs. Allred, Atkinson, Beall, Buchanan, Calhoun, Cannon, Carlton, Chastain, Coffee, Cone of Greene, Dixon, Dunnagan, Dupree, Fambro, Gordon, Grant, Griffin, Hale, Hamilton, Harris of Worth, Hill, Howell, Jamison, Jeter, Knight, Lawson of Burke, Long, Maddux, Marshall, Matthews, McCrimmon, McGuire, McMillan. Moore of Lincoln, Morris, Murphy, Murray, Newton, Paulk, Poole, Ragan, Rudisill, Shropshire, Scott, Strickland, Ware, Welborn, Whitaker and White.

So the motion to postpone indefinitely was lost.

On motion of Mr. Carlton, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, which was the consideration of the bill reported by the committee on Banks, to-wit :

A bill to be entitled an act to require all Banks in this State, and all Banks located out of this State having agencies in this State, to redeem certain bills at the same ; and for other purposes.

Mr. Cannon proposed to amend the substitute of the committee with the following proviso, which was agreed to, to-wit :

"Provided this act shall not apply to any place where there is no bank or banks located ; and provided further, that nothing herein shall exonerate such agencies from taxation."

Mr. Hardeman moved to amend by adding the following as additional sections, to-wit :

And be it further enacted, That all bills, bonds or notes which may hereafter be purchased or discounted by any bank or bank agent in this State, at a greater rate of interest than the rate of seven per centum per annum for the length of time any such paper may have to run before becoming due shall be void, unless a greater rate of interest should be reserved or taken by some mistake or error in calculation, and without any intent to evade or violate the true spirit and intent of this act.

And be it further enacted, That all bills, bonds or notes purchased or shaved by any of the banks of this State or their agencies in any other State made, drawn accepted or endorsed by any citizen or mercantile firm of this State, the same shall be utterly void, and of no effect, and all parties to any such paper fully discharged from all liability to pay the same, unless such bills, bonds or notes shall on their face be made payable to, or at the bank, by which they may be discounted or purchased, or unless the same is purchased in good faith by such bank, to secure some pre-existing debt due said bank, or in payment of such debt, and with no intent to evade or violate the spirit and true intent and meaning of this act ; which motion was lost.

Mr Hardeman moved the previous question, which motion being seconded, the main question was ordered to be put, and was decided in the affirmative, and the report of the committee on banks was agreed to.

Mr. Murphy moved to recommit the bill, which motion was lost.

The bill reported by the committee on banks was read the third time, and upon the question "Shall this bill now pass?"

the yeas and nays were required to be recorded, and are yeas 35, nays 46.

Those voting in the affirmative are Messrs. Adams, Allred, Beall, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Dabney, Dunnagan, Dupree, Fambro, Gordon, Hale, Hamilton, Hill, Jamison, Knight, Lawson of Houston, Lott, Maddux, McGuire, McMillan, Moore of Lincoln, Morris, Murphy, Paulk, Pharr, Ragan, Ware, Whitaker and White.

Those voting in the negative are Messrs. Ayery, Beasley, Brown of Baldwin, Brown of Gwinnett, Camden, Cone of Bulloch, Crowder, Cumming, Grant, Griffin, Guerry, Hardeman, Harris of Taliaferro, Harris of Worth, Hays, King, Landrum, Lawton, Matthews, McCrimmon, McDonald, McIntosh, Moody, Murray Newton, Nichols, Patterson of Gilmer, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Shropshire, Simms, Screven, Spalding, Strickland, Studstill, Swinney, Wales Wellborn and Wingfield.

So the bill was lost.

Mr. Hardeman from the committee on enrollment, reports as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act for the relief of Robert McIntyre of the county of Chatham.

An act to incorporate the town of Hillsboro' in the county of Floyd, and for other purposes.

An act to lay off and organize a new county out of the counties of Lowndes, Coffee and Irwin, to be called Berrien county, to attach the same to the Southern Judicial Circuit, to the 1st Congressional District, and to the 2d brigade, and 6th division Georgia Militia.

An act to change the corporation lines of the city of Rome, as to exclude the lands of Lewis D. Burwell, now in said City.

An act to lay out and organize a new county from the counties of Thomas and Lowndes, and for other purposes.

An act to repeal an act to amend the patrol laws of this State, approved February 20th 1854, so far as relates to the county of Liberty.

An act to alter and change the second section of an act incorporating the Dalton and Gadsden Railroad company.

On motion the rules were suspended and the following bills of the House of Representatives were taken up and read a second time, to-wit :

A bill to incorporate the Atlantic and Gulf Rail Road Company.

On motion the same was made the special order of the day for Monday next.

Also, a bill to appropriate money to repair the State House, and for other purposes; which, on motion was made the special order of the day for Monday next.

On motion the rules were suspended, and Mr. Ragan reported a bill to locate the county site of Lee county at Starksville, and for other purposes; which was read the first time.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole, on a bill for the relief of Sarah H. Lamar.

Mr. Cone of Greene moved to amend the same by adding the following as an additional section, to-wit:

That Dr. William R. Holmes be and he is hereby relieved from all liability, on account of his having been married to his wife Julia Holmes, formerly Julia Bowdry of the county of Richmond, from whom he has been legally divorced; which was agreed to. The report of the committee as amended, was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the following bills of the House of Representatives were taken up and read the first time, to-wit:

A bill to authorize the Treasurer to pay the Ordinary of Chattahoochee County the Poor School fund for the year 1854,

A bill to incorporate the Lookout rail road company.

A bill to be entitled an act to alter, amend and add to the several laws relating to slaves and free persons of color.

A bill to incorporate the American mining company.

A bill to change the time of holding the Superior and Inferior Courts of Sumter county.

A bill to amend the seventh section of an act incorporating the city of Dalton in Whitfield county, and for other purposes.

A bill to incorporate a bank in the town of Morgan, called the bank of Morgan.

A bill to authorize Ransom Rogers, Sr., of Scriven county, to practice medicine, &c.

A bill to make executors and administrators liable for costs, &c.

A bill to authorize Thomas R. Gibbs to peddle without paying for license.

A bill to authorize certain persons herein named to peddle without paying for license.

A bill for the relief of James Roundtree and James Suggs.

A bill to compensate John T. Riley and others.

A bill for the relief of Alasan Tiller of Lee county.

A bill to require agents at the depots of Western & Atlantic Railroad to receipt for and mark produce.

A bill to alter and amend the several laws relative to the poor school system, so far as relates to Lumpkin county.

A bill to incorporate the Moccasin Turpike company, &c.

A bill to extend certain privileges to James E. Smith of Clay county.

A bill to provide for the paying of delegates sent by authority of the State of Georgia to the Nashville Convention.

A bill to incorporate the North Georgia Mining Company.

A bill to authorize the Justices of the Inferior Court, of Bibb county to levy and collect an extra tax for certain purposes,

A bill to incorporate the town of Whiteplains in Greene county, and for other purposes.

A bill to change the lines between Heard and Troup.

A bill to confer certain privileges on R. H. Lampkin, and for other purposes.

A bill to incorporate the Georgia College of science and agriculture.

A bill to incorporate the Chattahoochee Iron Works company.

A bill for the relief of Mary Elizabeth Hone of Randolph.

A bill for the relief of John B. Griffin of Kinchafoonee county.

A bill for the relief of Francis Murray, lately wife of James Murray.

A bill to authorize the Inferior Court of Muscogee, to sell the lot on which the Jail now stands.

A bill to amend the charter of the trustees of the Presbyterian Church, and Washington, Female Seminary.

A bill to authorize the Justices of the Inferior Court of the county of Telfair to open a poll or election at the Court House and the several precincts in said county, and for other purposes.

A bill to incorporate Reners Camp Ground in the county of Rabun.

A bill to change the county line between Cass and Gordon and for other purposes. •

A bill to alter change and amend an act to incorporate the town of Decatur in DeKalb county.

A bill to incorporate the town of Carrollton in Carroll, county, and for other purposes.

A bill to alter and amend an act to alter the law in relation to interest on money.

A bill to change the time of holding the Superior Courts in certain counties therein mentioned.

A bill for the relief of John Huie of the county of Fayette.

A bill to authorize the Governor and Comptroller General to correct mistakes of Receivers and Collectors of taxes, or any tax payer whereby more money is paid into the treasury than is required by law, to refund the same, and for other purposes therein mentioned.

A bill to authorize Charles J. Jarnagan and James R. Russell, of Catoosa county to practice medicine and surgery, and collect for the same.

A bill for the relief of Rachel Holomon of the county of Carroll.

A bill to incorporate the Augusta Savings Bank.

A bill to appropriate money to the legal representatives of James M. Kelly, deceased.

A bill for the relief of Abner P. Powers.

A bill amendatory of an act incorporating the Muscogee Railroad company, so far as regards the qualification and selection of directors thereof.

A bill to reduce the Sheriffs bond of the Sheriffs hereafter to be elected in the county of Hart, from the sum of twenty thousand dollars to the sum of ten thousand dollars.

A bill authorising the Ordinaries of this State to issue *fi fas* for cost in certain cases.

A bill to provide for the preservation of the public records and for other purposes.

A bill for the relief of Crawford H. Little, tax collector of the county of Franklin.

A bill to amend an act assented to December 14th 1811, and to allow practicing attorneys to hold the office and perform the duties of Justice of the Peace in the county of Washington.

A bill to appoint an additional number of trustees for the Washington academy in the county of Gwinnett.

A bill to authorise Judges of the Superior Courts of this State to appoint receivers during vacation, and to require the complainant in all cases asking for writs of "*ne exeat*" *Quia Timet*, and all applications asking for the appointment of a receiver, or for an injunction to give bond and security to the respondent, for any loss or damage which he or they may sustain by the suing out of said suits, and for other purposes.

A bill to prevent the felling in of timber, or otherwise obstructing Mountain Town Creek so as to cause drifts.

A bill to authorise parties complainant either in law or equity, to perfect service of writs against corporations under certain circumstances therein named.

A bill to authorize the admission in evidence of certified copies from the Executive Department, and other officers

connected therewith, to be used as evidence in any Court of law or equity in this State. &c

A bill to incorporate the Rome Foundry and Machine Company.

A bill for the relief of Sarah H. Lamar.

A bill for the relief of Archer Griffeth of Oglethorpe county and to authorize him to pay taxes in Oglethorpe county upon property owned by him in Madison county.

A bill to grant to Wm. Schley and Robert Schley of the county of Richmond, the right to open and construct a rail road, plank road or other road from their saw mill on Spirit Creek in said county, to any point on the Augusta South South-western plank road, between the 11 and 13 mile points on said plank road from the city of Augusta, for the transportation of timber, lumber and wood.

A bill to incorporate St. John the Baptist Lodge of free and accepted masons.

A bill to authorize the Justices of the Inferior Court of the county of Gwinnett to levy an extra county tax to pay for the erection of a new Court House in said county.

A bill to authorize the Judges of the Inferior Court of the counties of Liberty and Bryan, to appoint a competent surveyor from their respective counties, to properly run out and clearly define the dividing line between said counties.

A bill to amend the road laws of this State, so far as relates to the county of Glynn.

A bill to authorise Uriah Evans of Twiggs, and others therein mentioned, to peddle without license.

A bill to authorise the Inferior Court of the county of Laurens to levy an extra tax for pauper purposes.

A bill to incorporate the Methodist Episcopal Church in Tattnall county, known as Brewton's Church.

A bill to compel all persons residing out of the limits of the State of Georgia, and who own land in any of the counties of this State improved or unimproved, to give in and pay tax for the same in the county where the land lies.

A bill to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Justices of the Peace and Constables of this State.

A bill to endow the Southern Botanic Medical College at Macon, Georgia.

A bill to authorise the Ordinary of Twiggs county to grant letters of guardianship to Daniel W. Shine.

A bill to alter and amend the act incorporating the Lumpkin County Manufacturing Company, assented to 25th of December, 1840.

A bill to provide a correct registry of deaths occurring in the city of Savannah, and of interments in said city and its vicinity, and for other purposes.

A bill to alter and amend the road laws in the county of Morgan.

A bill to authorise the county of Early to pay over to the counties of Calhoun and Clay their distributive share of the poor school fund of said counties, and for other purposes therein mentioned.

A bill for the relief of J. H. Adams, John Pike and Ebenezer Perkins of the county of Lowndes.

A bill to authorise the Governor to draw his order on the Treasury to the amount of one hundred and sixty dollars in favor of Wm. S. Norman of the county of Liberty.

A bill to appoint commissioners with power to remove all obstructions for the free passage of fish in Kinchafoonee Creek, and to punish those who may attempt to defeat the same.

A bill to incorporate the Eatonton and Madison Rail-road Company, and to confer certain powers and privileges therein mentioned.

A bill to prevent throwing of timber or dead stock in Holly Creek in Murray County.

A bill for the relief of William Searcy of the county of Talbot.

A bill to refund to E. R. Alberti, a non-resident tax-payer of the county of Camden, a certain amount of money.

A bill to incorporate the Macon Savings Bank.

A bill organizing the Independent Volunteer Battalion of Augusta, and for other purposes therein named.

A bill to appoint Trustees to the Carrollton Male and Female Academies in the county of Carroll, and for other purposes.

A bill to repeal an act approved 7th Feb'y, 1854, entitled an act to alter and amend the 5th section of an act to regulate the weighing of cotton and other commodities in this State, approved 8th Dec. 1806.

A bill to authorise the Justices of the Inferior Court of Charlton county to levy an extra tax for county purposes.

A bill to repeal so much of the law in reference to change bills as makes it the duty of the Judges of the Superior Courts to give the act passed 10th December, 1841, in special charge to the Grand Juries.

A bill for the relief of William H. Clark of the county of Camden.

A bill to incorporate the village of Chickasawhatchee in the county of Lee, and to appoint Commissioners of the same, and to confer certain powers upon said Commissioners. Also, to appoint Commissioners for the Hightower Institute in the city of Augusta, and to appoint Commissioners for the town of Sparta; and for other purposes.

A bill to incorporate the Fighting Town Mining Company.

A bill to incorporate the Pine Mountain Mining Company. Also, the DeSoto Mining Company of Whitfield county.

A bill to appropriate money to compensate the State Treasurer for extraordinary service.

A bill to authorise the Treasurer of this State to pay to the Ordinary of Emanuel county, the sum of sixty-one dollars, balance due said county for poor school purposes.

A bill to authorise the consolidation of the stock of the Atlanta and LaGrange Rail-road Company and the West Point and Tennessee Rail-road Company, and for other purposes.

A bill to change the line between the counties of Taylor and Marion and for other purposes.

A bill to incorporate Pierce's Chapel in Richmond county.

A bill to incorporate the Dalton Brass Band in the town of Dalton.

A bill to authorise James McCaully of Catoosa county, to erect a mill-dam across Chickamauga Creek.

A bill to change the name of Talbotton Female College in Talbot county, to that of Levert College, and for other purposes.

A bill to authorise the Governor to draw his warrant upon the Treasury for thirty dollars and thirty-seven and a half cents, in favor of Copeland Harris & Co. &c.

A bill to incorporate the Trustees of Enon Church of the county of McIntosh, and certain camp-grounds and churches therein mentioned.

A bill to amend the third section of an act entitled an act to amend the several acts relating to the Court of Common Pleas, and of Oyer and Terminer of the city of Savannah, and for other purposes, approved 9th December, 1853; and for other purposes therein named.

A bill to incorporate the Stony Point Mining Company of Georgia.

A bill to compensate the Petit Jurors of the county of Lincoln, and to dispose of certain monies in Lee county, as herein provided.

A bill to alter and change the time of holding the Inferior Courts of the county of Henry.

A bill to incorporate Mount Hope Academy in Muscogee county, near Flat Rock Camp Ground, and to appoint Trustees for the same.

A bill to authorise the county of Habersham to aid in the construction of the North-Eastern or any other Rail-road running through said county, by the subscription of stock and the issue of bonds therefor, upon a vote of the citizens of said county in favor of the same.

On motion the Senate adjourned till Monday morning, half-past nine o'clock.

MONDAY, FEBRUARY 25th, 1856.

The Senate met pursuant to adjournment.

Mr. Calhoun moved to reconsider so much of the Journal of Saturday as related to the action of the Senate on the bill in relation to bank agencies; which motion was lost.

On motion of Mr. Carlton, the rules were suspended and the Senate took up the report of the committee of the whole on a bill to compensate Dr. Bedford J. Head for medical services rendered to the citizens of Oglethorpe, during the prevalence of small pox in said city.

The report of the committee of the whole was agreed to; the bill was read the third time, and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 58, nays 19.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Beasely, Brown of Baldwin, Calhoun, Camden, Cannon, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Dupree, Fambro, Grant, Guerry, Hamilton, Harris of Worth, Hays, Howell, Jamison, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McDonald, McMillan, Moody, Moore of Lincoln, Moreland, Murphy, Newton, Nichols, Patterson of Gilmer, Pharr, Ponder, Poole, Pope, Ragan, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Simms, Scott, Screven, Spalding, Swinney, Wales, Wellborn, Whitaker, White and Wynn.

Those voting in the negative are Messrs. Allred, Beall, Brown of Gwinnett, Cantrell, Causey, Cone of Bulloch, Dunnagan, Gray, Hale, Hill, Landrum, McCrimmon, McGuire, Morris, Paulk, Reddish, Sapp, Shropshire, Studstill and Ware.

So the bill was passed by a majority of two-thirds.

The special order was called for, which was the consideration of the report of the committee of the whole on a bill to be entitled an act to incorporate a Rail-road Company to be called the Atlantic and Gulf Rail-road Company, and for other purposes therein named.

On motion the bill was taken up by sections.

Mr. Dunnagan moved to amend the second section by adding the following, to-wit:

"Provided, That said company shall receive from the individual stockholders in payment for stock, nothing but gold or silver, or the bills of specie-paying banks; and provided further that they shall in no case discount or receive in payment, the notes of its stockholders or of any other person."

Upon this motion the yeas and nays were required to be recorded and are yeas 34, nays 51.

Those voting in the affirmative are Messrs. Allred, Avery, Beall, Beasely, Billups, Brown of Gwinnett, Buchanan,

Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Bulloch, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Hale, Hill, Jamison, Landrum, Maddux, McGuire. Moore of Lincoln, Moreland, Morris, Patterson of Gilmer, Pharr, Poole, Ware and Wellborn.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Brown of Baldwin, Calhoun, Causey, Cone of Greene, Cumming, Grant, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moody, Murphy, Nichols, Paulk, Ponder, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Wales, White, Wingfield and Wynn.

So the motion was lost.

Mr. Strickland moved to amend the 3d section by inserting after the words 'nine Directors,' the following, to-wit: 'Four of these Directors shall be elected by the Legislature, after the first election of Directors and appointed by the Governor at the first election of said Directors,' whereupon the yeas and nays were required to be recorded and are yeas 39, nays 47.

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Beall, Beasely, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Chastain, Coffee, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Grant, Guerri, Hale, Hill, Jamison, Landrum, Maddux, Marshall, McGuire, McIntosh, McMillan, Moore of Lincoln, Moreland, Morris, Patterson of Gilmer, Poole, Strickland, Ware, Whitaker and White.

Those voting in the negative are Messrs. Adams, Atkinson, Brown of Baldwin, Calhoun, Causey, Cone of Bulloch, Cone of Greene, Cumming, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, Moody, Nichols, Paulk, Ponder, Pope, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Wales, Welborn, Wingfield and Wynn.

Mr. Moore of Lincoln moved to amend the 3d section by striking out all after the words 'State of Georgia,' whereupon the yeas and nays were required to be recorded and are yeas 32, nays 50.

Those voting in the affirmative are Messrs. Allred, Beall, Beasely, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Chastain, Coffee, Crowder, Dixon, Dunnagan, Dupree, Gray, Grant, Guerri, Hale, Hill, Jamison, Maddux, McMillan, Moore of Lincoln, Moreland, Morris, Murphy.

Patterson of Gilmer, Pharr, Poole, Strickland, Ware and Whitaker.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Brown of Baldwin, Calhoun, Causey, Cone of Bulloch, Cone of Greene, Cumming, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Marshall, Matthews, McCrimmon, McDonald, Moody, Newton, Nichols, Paulk, Ponder, Ragan, Reddish, Renfro, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Wales, Wellborn, White, Wingfield and Wynn.

So the motion was lost.

Mr. Hill moved to amend the 3d section by inserting the following, to-wit: 'The number of Directors the State shall have to represent her interest, of the nine contemplated in this section, shall be in proportion to her stock, to be appointed by the Governor, until otherwise determined by the Legislature;' whereupon the yeas and nays were required to be recorded and are yeas 34, nays 53.

Those voting in the affirmative are Messrs. Allred,, Ashe, Avery, Beall, Beasley, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Chastain, Coffee, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Guerry, Hale, Hill, Jamison, Maddux, Marshall, McIntosh, Moore of Lincoln, Moreland, Morris, Patterson of Gilmer, Poole, Strickland, Ware and Wellborn.

Those voting in the negative are Messrs. Adams, Atkinson, Brown of Baldwin, Calhoun, Causey, Cone of Bulloch, Cone of Greene, Cumming, Grant, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McGuire, McMillan, Moody, Murphy, Newton, Nichols, Paulk, Ponder, Pope, Ragan, Reddish, Renfro, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Wales, Whitaker, White, Wingfield and Wynn.

So the amendment was lost.

Mr. Dunnagan moved to amend the 4th section by adding the following, to-wit: "Provided, That nothing in this act shall be so construed as to exempt the property of said company from such taxation, as that to which the property of other citizens of the State are subject," whereupon the yeas and nays were required to be recorded and are yeas 34, nays 49.

Those voting in the affirmative are Messrs. Allred, Avery, Beall, Beasley, Billups, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Hale, Hardeman, Hill, Maddux, Marshall, McIntosh, Moore of Lin-

coln, Moreland, Morris, Patterson of Gilmer, Pharr, Poole, Pope, Strickland, Ware and Wellborn.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Brown of Baldwin, Causey, Cone of Bulloch, Cone of Greene, Guerry, Hamilton, Harris of Worth, Hays, Head, Howell, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Newton, Nichols, Paulk, Ponder, Ragan, Reddish, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Wales, Whitaker, White, Wingfield and Wynn.

So the motion was lost.

Mr. Guerry moved to amend the 4th section by striking out the word 'Fort Gaines,' and inserting the word 'Columbus,' in lieu thereof.

Mr. Cone of Bulloch moved to divide the question. Upon the motion to strike out, the yeas and nays were required to be recorded and are yeas 32, nays 53.

Those voting in the affirmative are Messrs. Allred, Beasley, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Chastain, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Guerry, Hale, Hill, Landrum, Long, Maddux, Marshall, Moore of Lincoln, Moreland, Morris, Patterson of Gilmer, Poole, Scott, Strickland, Swinney, Wellborn and Whitaker.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Beall, Brown of Baldwin, Calhoun, Causey, Cottee, Cone of Bulloch, Cone of Greene, Cumming, Grant, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Lott, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Murphy, Newton, Nichols, Paulk, Ponder, Pope, Ragan, Reddish, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Screven, Spalding, Studstill, Wales, White, Wingfield and Wynn.

So the motion to strike out was lost.

Mr. Guerry moved to amend the 6th section by striking out the proviso; which motion was lost.

Mr. Hill moved to amend by adding the following as an additional section, to-wit:

This charter shall expire on the 1st day of March, 1887.

Whereupon the yeas and nays were required to be recorded and are yeas 31, nays 54.

Those voting in the affirmative are Messrs. Allred, Avery, Beall, Beasley, Billups, Bloodworth, Brown of Gwinnett, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Chastain, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Guerry, Hale, Hill, Maddux, Marshall, Moore of Lincoln,

Moreland, Morris, Patterson of Gilmer, Poole, Strickland, Ware and Wellborn.

Those voting in the negative are Messrs. Adams, Ashe, Atkinson, Brown of Baldwin, Causey, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Grant, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Newton, Nichols, Paulk, Ponder, Pope, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Studstill, Swinney, Wales, Whitaker, White, Wingfield, and Wynn.

Mr. Hardeman moved to agree to report of the committee, which motion was agreed to.

Mr. Hardeman moved the previous question, which being seconded, upon the question shall the main question now be put, the yeas and nays were required to be recorded, and are yeas 56, nays 31.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Brown of Baldwin, Calhoun, Causey, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Grant, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Moody, Murphy, Newton, Nichols, Paulk, Ponder, Pope, Ragan, Reddish, Renfroe, Riley, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Scriven, Spalding, Studstill, Swinney, Wales, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Beall, Beaseley, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Carlton, Chastain, Crowder, Dixon, Dunningan, Dupree, Fambro, Gray, Hale, Hill, Maddux, Marshall, McGuire, Moore of Lincoln, Moreland, Morris, Patterson of Gilmer, Pharr, Poole, Strickland, Ware and Wellborn.

The bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 55, nays 29.

Those voting in the affirmative are Messrs. Adams, Atkinson, Brown of Baldwin, Calhoun, Causey, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Guerry, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McDonald, McMillan, Murphy, Newton, Nichols, Patterson of Gilmer, Paulk, Ponder, Pope, Ragan, Reddish, Renfroe, Riley Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms; Scott, Scriven.

Spalding, Studstill, Swinney, Wales, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Beall, Beaseley, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Hale, Hill, Maddux, Marshall, Moore of Lincoln, Moreland, Morris, Pharr, Poole, Strickland, Ware and Welborn.

So the bill was passed.

On motion Messrs. Spalding, Hays and Strickland were granted leave of absence.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the rules were suspended and the following bill was taken up and read the second time, to-wit :

A bill to authorize the Justices of the Inferior Court of Troup County to levy an extra tax to build a jail in said county.

On motion the rules were further suspended and the Senate took up the report of the committee of the whole on a bill of the House of Representatives, to incorporate the Garnett Hill mining company.

Mr. Camden moved to strike out the following words, from the 9th section, to-wit : "Against the company must be brought." and insert in lieu the following, to-wit : "or equity except suits touching titles to land against the company, must be brought, and all suits, processes, summons, mandates and notices, must be served, and the service of a copy of any such writ, bill, process, summons, mandate and notice by the Sheriff of said county, or any other lawful officer, either personally upon the President or any other officer of said company resident of said county, or by leaving the same at his or their most notorious place of residence in said county shall be sufficient service; which motion was agreed to.

The report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Cone of Greene, the rules were suspended, and the Senate took up the report of the committee of the whole on the following bills, to-wit :

A bill to alter the liability of certain persons acting in a fiduciary character; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

Also, a bill to allow executors, administrators and guardi-

ans resident in other States or territories, to control stock and money in this State, and to empower trustees to dispose of stocks; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

A bill to declare who shall be competent witnesses in the courts of law and equity in this State.

The following amendment reported by the committee on bank, was agreed to; to-wit:

Provided, That nothing in this act contained, shall be construed as to authorize any husband or wife to testify for or against each other, except in cases now provided by law; the report of the committee of the whole as amended was agreed to, the bill was read the third time and passed.

The Senate took up the special order, which was the consideration of the report of the committee of the whole on a bill of the House of Representatives to appropriate money to repair the State House, or to provide for its future reconstruction or removal.

Mr. Brown of Baldwin offered the following as a substitute for the bill, to-wit:

Whereas, the present condition of the State House is such that demands immediate repairs to protect the property of the State from very considerable damage.

Section 1st, *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, as it is hereby enacted by the authority of the same,* That the sum of 7500 dollars be and the same is hereby appropriated for the repairs of the State House; and that the work to be done and the money expended, shall be under the direction and control of his Excellency the Governor, or by some fit and competent person to be employed by him.

Mr. Pope offered the following as an additional section to the substitute, which was agreed to, to-wit:

"And that the further sum of five thousand dollars, be and the same is hereby appropriated for the repairs of the Executive Mansion and the premises attached thereto. That the above sum to be applied under the direction of the Governor.

Mr. Screven offered the following as an additional section to the substitute, which was agreed to, to-wit:

"And his Excellency the Governor is hereby authorized to consult a competent architect upon such alterations of the State House as will present a uniformity of architectural style, and cause to be made such alterations; provided the same can be accomplished within the limits of this appropriation."

The substitute as amended was adopted. The report of the committee of the whole as amended was agreed to, the bill was read the third time, and upon question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 72, nays 19.

Those voting in the affirmative are Messrs. Adams, Atkinson, Avery, Beall, Beaseley, Billups, Brice, Brown of Baldwin, Brown Calhoun, Brown of Gwinnett, Camden, Causey, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dunnagan, Grant, Guerri, Hamilton, Hardeman, Harris of Worth, Hays, Head, Howell, Jamison, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Maddux, Matthews, McCrimmon, McDonald, McGuire, McIntosh, McMillan, Moody, Moore of Lincoln, Morris, Murphy, Newton, Nichols, Patterson of Jefferson, Paulk, Pharr, Ponder, Poole, Pope, Ragan, Reddish, Robinson, Roddenberry, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Spalding, Strickland, Studstill, Swinney, Wales, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Buchanan, Calhoun, Cannon, Cantrell, Carlton, Dixon, Dupree, Fambro, Gray, Hale, Hill, Jeter, Murray, Patterson of Gilmer, Riley, Ware and Wellborn.

So the bill was passed.

Mr. Spalding offered the following resolution, to-wit :

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That until further ordered, the Governor of Georgia for the time being, shall cast the vote of the State of Georgia as a Stockholder in the Atlantic and Gulf Railroad at all elections of Directors and at all meetings of stockholders thereof.

Mr. Hardeman from the committee on enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to compensate Almon Guinn for the apprehension and delivery of Wm. Mitchell a fugitive from justice, and to appropriate money for the same.

Mr. Moore from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House and ready for the signature of the President of the Senate, the following acts :

An act to so change the corporation lines of the city of Rome as to exclude the lands of Lewis D. Burwell, now in said city.

An act to lay off and organize a new county out of the counties of Lowndes, Irwin and Coffee. to be called Berrien County, to attach the same to the Southern Judicial Circuit, to the first Congressional District, and to the 2d brigade and 6th division Georgia Militia.

An act to repeal an act to amend the patrol laws of this State, approved February 20th 1854, so far as relates to the county of Liberty.

An act to lay out and organize a new county from the counties of Thomas and Lowndes, and for other purposes.

An act for the relief of Robert McIntire of the county of Chatham.

An act to incorporate the town of Hillsboro in the county of Floyd, and for other purposes.

An act to alter and change the second section of an act incorporating the Dalton and Gadsden Railroad company.

The following message was received from the House of Representatives by Mr. Speer their Clerk:

Mr President: The House of Representatives have passed a resolution requesting the Governor to transmit certain pay-rolls to Washington city; to which they ask the concurrence of the Senate, and which I have been directed to communicate a once to the Senate.

On motion of Mr. Cone of Greene the message from the House of Representatives was taken up, and the following resolution of the House was taken up, read and agreed to. to-wit:

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor be and he is hereby requested to forward to the Pension Bureau at Washington city, the Muster and pay rolls and other papers on file in the Executive Department in relation to the expedition under the command of Lieutenant Colonel David Adams, which was sent out under a resolution of the Legislature of Georgia in the year 1813 against the Creek Indians.

Resolved further, That the Governor be requested to inform this Legislature whether the State of Georgia has been re-imburshed by the United States for the money expended in the payment of said troops, and if not, that our Senators be instructed, and our Representatives be requested to introduce a bill for refunding to the State of Georgia the amount so expended.

On motion the same together with the bill in relation to the appropriation for the repair of the Capitol, was ordered to be forthwith transmitted to the House of Representatives.

The Senate took up the report of the committee of the whole on a bill relative to the Supreme Court.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and change a part of the 1st section of the 3d article of the Constitution of this State.

On motion the same was postponed indefinitely.

Mr. Whitaker offered the following resolution, to-wit:

Whereas, the present session of the Legislature has passed an act incorporating the Atlantic and Gulf Railroad Company, and as it is the duty of the present Legislature to elect four Directors, to represent the State of Georgia in the Board of Directors of the same, and to define the intention

of the Legislature in reference to the qualification of said Directors on the part of the State who shall not be required to own and possess stock in said Company. Be it therefore

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That both branches of the General Assembly will convene in the House of Representatives on Wednesday next at 12 o'clock, A. M., and proceed to elect by joint ballot four Directors to represent the State in said Directory, who shall continue in office until their successors are elected at the next session of the Legislature.

The Senate took up the report of the committee of the whole on a bill to amend the original and amendatory acts authorising certain Commissioners to raise by Lottery a fund for the erection of monuments to Greene and Pulaski in the city of Savannah.

On the question of agreeing to the report of the committee the yeas and nays were required to be recorded and are yeas 28, nays 46.

Those voting in the affirmative are Messrs. Atkinson, Billups, Brown of Baldwin, Calhoun, Hardeman, Harris of Worth, Hays, Hill, Jeter, Lawson of Burke, Lawton, Long, Lott, Matthews, McCrimmon, McGuire, Moody, Murphy, Newton, Patterson of Jefferson, Paulk, Riley, Robinson, Screven, Whitaker, White, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Ashe, Avery, Beall, Beasley, Brice, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone, of Greene, Crowder, Cumming, Dixon, Dunnagan, Fambro, Gray, Grant, Guerry, Hale, Hamilton, Head, Maddux, McDonald, Moore of Lincoln, Murray, Nichols, Patterson of Gilmer, Pharr, Poole, Pope, Ragan, Roddenberry, Rudisill, Shropshire, Simms, Strickland, Studstill, Swinney, Wales, Ware and Wellborn.

So the report was disagreed to and the bill was lost.

Mr. Hardeman offered the following resolution, to-wit :

Resolved, That the Senate meet hereafter at 9 o'clock, A. M., 2½ P. M., and 7 o'clock at night until otherwise ordered.

The resolution was taken up, read and agreed to.

The Senate took up the report of the committee of the whole on a bill to lay out and form a new county from the counties of Marion, Macon and Sumter and provide for the organization of the same.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to give State aid to the Dalton and Gadsden Rail-road Company.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to allow the evidence of practising physi-

cians to be taken in all civil cases by interrogatories and commission and to regulate the taking thereof.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to authorise the Ordinary, acting commissioner of the poor school fund in Upson county to pay certain bills for tuition, where proper returns have not been made.

Mr. Wellborn offered the following additional section, which was agreed to, to-wit :

And be it further enacted, That the Ordinary of Whitfield county be, and he is hereby authorised to pay Mary J. Akins fifty-three dollars and eighty cents, the amount due her for teaching poor children in said county in the year 1854, which the magistrates failed to return as provided by law, and the further sum of eighteen dollars and fifty-five cents for Scott R. Bonham for teaching poor children in the year 1853, Provided there be any surplus on hand for either of said years.

Mr. Dupree proposed the following addition section, which was agreed to, to-wit :

And be it further enacted. That the Ordinary of Spalding county be and he is hereby authorised and required to pay H. H. Carroll the sum of the seventeen dollars and twenty-two cents for teaching poor children in 1854 and 1855, which were not returned according to law.

Mr. Hill offered the following additional section, which was agreed to, to-wit :

And be it further enacted, That the sum of \$120 be paid to the Trustees of Mt. Mary Academy, out of the poor school fund of 1856, by the Ordinary of Harris.

Mr. Harris of Worth offered the following additional section, which was agreed to, to-wit :

And be it further enacted, The Ordinary of Worth pay to David Smith his account for teaching poor children in said county for 1853 and 1854, upon satisfactory proof of the justness of the same.

Mr. Jeter moved to amend by inserting the word 'Marion' after the word 'Upson' in the bill ; which was agreed to.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until seven o'clock. P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Crowder the rules were suspended and

the Senate took up the report of the committee of the whole on a bill to repeal an act to require the Receivers of Tax Returns in the several counties in this State, to ascertain the number of children in their respective counties between the ages of eight and sixteen years, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to create a new Circuit from the Blue Ridge and Coweta Circuits.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to regulate the peddling on clocks in this State.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to require the State Printing to be done at the Seat of Government.

On motion the same was postponed indefinitely.

Mr. Guerry from the committee on Enrollment reported as duly enrolled and ready for the signature of the President of the State, the following acts, to-wit :

An act to alter and amend the twelfth section of the first Article of the Constitution of this State.

An act to authorise the Judge of the Superior Court of the county of Whitfield to draw two panels of Grand and Petit Jurors for said county.

An act to appropriate a sum of money to remove obstructions from the Big and Little Ohoopie rivers, and to render the same navigable for the transportation of timber, rafts, lumber, wood and other produce thereon and for other purposes herein mentioned, approved Feb. 4th, 1854.

An act to change the line between the counties of Campbell and Fayette, so as to include the residence of Nathan Camp now in the county of Fayette in the county of Campbell, approved Feb. 20th, 1854.

An act to incorporate a Bank in the city of Savannah to be called the Timber Cutters' Bank.

An act to repeal all laws consolidating offices of Receiver of Tax Returns and Tax Collector in the county of Irwin.

An act in relation to allowing Tax Collectors an insolvent list by the Grand Juries of the several counties in this State.

An act to change the mode of apportioning the poor school fund of Baker county with the counties of Dougherty and Calhoun.

An act to authorise the Justices of the Superior Court of Warren county to levy an additional tax on the State tax sufficient to defray the annual expenses of the county, and one-third of the present indebtedness of said county.

Mr. Moore from the committee on Enrollment reported as

duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts of the House of Representatives, to-wit :

An act to ratify and confirm the action of the Superior Court of Muscogee county in granting charters to the Muscogee Building and Loan Association, and the Columbus Building and Loan Association, and to legalise the acts of said Association.

An act for the relief of Caleb J. Moncrief and Young J. Browning, citizens of the county of Merriwether.

An act to lay out and organise a new county from the counties of Baker and Early.

An act for the relief of Wilson L. Orrin of Upson county.

An act to provide for the survey of the Okefenoke Swamp, and for other purposes.

An act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices' Courts, approved December the 14th, 1811, so as to allow and authorise the same person to hold the two offices of the Clerk of the Inferior Court and Justice of the Peace at the same time in the county of Lumpkin.

The following message was received from the House of Representatives by Mr. Speer, their Clerk.

Mr. President—The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to provide for the removal of the free negroes from this State, and for their voluntary return to slavery.

A bill to be entitled an act to explain and supplementary to an act to authorise the Inferior Court of the county of Washington to levy and collect an extra tax for the purpose of building a Court House and Jail, assented to December 22d, 1855.

A bill to be entitled an act to incorporate the town of Lexington in the county of Oglethorpe, and to provide for the election of Intendent and Commissioners thereof, and to define their powers and duties ; and for other purposes.

A bill to be entitled an act to authorise the Governor to call a Convention upon certain contingencies therein specified.

The Senate took up the report of the committee of the whole on a bill to alter the 1st section of the 3rd article of the Constitution.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to grant aid to the Savannah, Albany and Gulf Rail-road Company upon certain conditions.

On motion of Mr. Screven the same was postponed indefinitely.

The Senate took up the report of the committee of the

whole on a bill declaring under what circumstances the testimony of witnesses may be taken by commission, and the manner of taking and returning the same, and appointing commissioners to execute the same; and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to define the duties of the Judges of the Superior Courts of the several Judicial Circuits in this State, and to prevent said Judges from presiding in, or determining causes wherein they have been retained as counsel previous to their election as Judges, to facilitate the trial of cases in Court and reduce the expenses of witnesses, and for other purposes therein mentioned.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to authorise heirs-at-law to settle estates, when they are of lawful age, and more definitely to define the law on the subject.

The report of the committee was agreed to, the bill was read the third time, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 21, nays 46.

Those voting in the affirmative are Messrs. Allred, Cannon, Chastain, Coffee, Cone of Bulloch, Dunnagan, Fambro, Gray, Head, Matthews, McCrimmon, Moore of Lincoln, Morris, Murray, Patterson of Jefferson, Paulk, Poole, Reddish, Renfroe, Robinson, Simms, Studstill and Wales.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Beasley, Brice, Brown of Gwinnett, Calhoun, Camden, Cantrell, Carlton, Cone of Greene, Dixon, Dupree, Grant, Guerry, Hale, Hamilton, Hardeman, Harris of Worth, Howell, Jamison, Jeter, Knight, Lawson of Burke, Lawton, Marshall, McDonald, McGuire, McMillan, Moody, Moreland, Murphy, Newton, Patterson of Gilmer, Ponder, Pope, Riley, Rudisill, Shropshire, Scott, Screven, Strickland, Ware, Wellborn, Whitaker, White and Wingfield.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill to limit the operation of an act passed January the 21st, 1852, requiring all wills of personal property to be executed and proved in the same manner as is now prescribed by law for the execution and proof of Devises of real estate.

Mr. Pope moved to postpone the same indefinitely.

Mr. Jeter moved the previous question, which being seconded the main question was ordered to be put, and was decided in the affirmative, and upon the motion of Mr. Pope to postpone the same indefinitely, the yeas and nays were required to be recorded and are yeas 32, nays 44.

Those voting in the affirmative are Messrs. Allred, Buch-

anan, Camden, Coffee, Cone of Bulloch, Dixon, Gray, Grant, Hale, Harris of Worth, Howell, Jeter, Matthews, McGuire, McMillan, Moody, Moore of Lincoln, Moreland, Murray, Newton, Patterson of Gilmer, Paulk, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Rudisill, Shropshire, Strickland and Whitaker.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Beasley, Billups, Brice, Calhoun, Cannon, Cantrell, Carlton, Causey, Cone of Greene, Dupree, Fambro, Guerry, Hamilton, Hardeman, Head, Hill, Jamison, Knight, Landrum, Lawson of Burke, Lawton, Long, Maddux, Marshall, McCrimmon, Morris, Murphy, Patterson of Jefferson, Ragan, Robinson, Sapp, Simms, Scott, Scriven, Spalding, Studstill, Wales, Ware, Wellborn, White and Wingfield.

So the motion was lost.

Mr. Wellborn moved the previous question, which being seconded, the main question was ordered to be put, and was decided in the affirmative, and the report of the committee of the whole was agreed to, the bill was read the third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 37, nays 40.

Those voting in the affirmative are Messrs. Atkinson, Beasley, Billups, Brice, Calhoun, Cannon, Carlton, Cone of Greene, Dupree, Fambro, Guerry, Hamilton, Hardeman, Head, Hill, Jamison, Knight, Lawson of Burke, Lawton, Long, Maddux, Marshall, McCrimmon, McDonald, Morris, Murphy, Ragan, Robinson, Simms, Scott, Screven, Spalding, Studstill, Wales, Wellborn, White and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Beall, Brown of Gwinnett, Buchanan, Camden, Cantrell, Chastain, Coffee, Cone of Bulloch, Gray, Grant, Hale, Harris of Worth, Howell, Jeter, Landrum, Matthews, McGuire, McMillan, Moody, Moore of Lincoln, Moreland, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ponder, Poole, Pope, Reddish, Renfroe, Riley, Rudisill, Sapp, Shropshire, Strickland, Ware and Whitaker.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill to incorporate Laurens Lodge number seventy-five of Free and Accepted Masons of Lawrens county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorise Dr. James G. McCrary of the county of Sumter to practice medicine and surgery and charge for the same.

On motion of Mr. Beasley the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to grant aid to the Georgia and Florida Railroad Company, on certain conditions therein named.

The report of the committee was agreed to; the bill was read the third time and lost.

Mr. Wales moved that the Senate adjourn; which motion was lost.

On motion of Mr. Hardeman the rules were suspended, and the Senate took up the following bills of the House and read the same a second time, to-wit:

A bill to provide a correct registry of deaths occurring in the city of Savannah, and of interments in said city and its vicinity.

A bill to incorporate St. John's the Baptist Lodge No. 184 of Free and Accepted Masons.

A bill to authorise the Inferior Court of Liberty and Bryan counties to appoint a surveyor from their respective counties to run the dividing line between said counties.

A bill to authorize the Inferior Court of the county of Gwinnett to levy an extra tax to pay for the erection of a new Court House in said county.

A bill to amend the road laws of this State, so far as relates Glynn county.

A bill to authorise Uriah Evans of Twiggs county to peddle in said county, and others therein named without paying for a license.

A bill to authorise the Inferior Court of Laurens county to levy an extra tax for pauper purposes.

A bill to incorporate the Methodist Episcopal Church in Tattnall county, known as Brewton's Church.

A bill to compel all persons residing out of the limits of this State of Georgia, and who own land in any of the counties of the State to give in and pay tax for the same in the county where the land lies.

A bill to incorporate Summerville Academy of the county of Emanuel.

A bill to authorise the City Council of Columbus to do certain acts therein named.

A bill to incorporate Hopewell Academy of Fayette county.

A bill to incorporate Finch Mining Company in Cherokee county.

A bill to authorise the Inferior Court of Houston county to levy an extra tax for the years 1856 and 1857, for certain purposes therein named.

A bill to extend the limits of the village of Cave Springs.

A bill to incorporate 'United Riflemen' in the city of Columbus and to extend to them certain privileges.

A bill for the relief of John Huie of Fayette county

A bill to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, &c.

A bill to incorporate the Augusta Savings Bank.

A bill to appropriate money to erect a necessary building for the accommodation of the pupils at the Institute for the Blind in the city of Macon.

A bill to provide for the preservation of the public records and for other purposes.

A bill authorising the Ordinaries of this State to issue *fi fas* for cost in certain cases.

A bill to reduce the Sheriffs bond of the Sheriffs hereafter to be elected in the county of Hart, from the sum of twenty thousand dollars to the sum of ten thousand dollars.

A bill entitled an act amendatory of an act incorporating the Muscogee Rail-road company, so far as relates to the qualification and election of directors thereof.

A bill for the relief of Abner P Powers.

A bill to grant to Wm. Schley and Robert Schley of the county of Richmond, the right to construct a rail-road, plank road or other road from their saw mill on Spirit Creek in said county, to any point on the Augusta South South-western plank road, between the 11 and 13 mile posts on said plank road from the city of Augusta.

A bill for the relief of Archer Griffeth of Oglethorpe county and for other purposes.

A bill for the relief of Crawford H. Little, of Franklin.

A bill to alter and amend the road laws in the county of Morgan.

A bill for the relief Rachel Holoman of Carroll county,

A bill to authorise the county of Early to pay over to the counties of Calhoun and Clay their distributive share of the poor school fund of said counties.

A bill for the relief of J. T. C. Adams, John Pike and Ebenezer Perkins all of Lowndes county.

A bill to authorise the Governor to draw his order on the Treasury to the amount of one hundred and sixty dollars in favor of Wm. S. Norman of Liberty county.

A bill to appoint commissioners with power to remove all obstructions for the free passage of fish in Kinchafoonee Creek, and for other purposes.

A bill to incorporate the Eatonton and Madison Rail-road Company, and for other purposes.

A bill to prevent throwing of timber or dead stock in Holy Creek in Murray County.

A bill for the relief of William Searcy of the county of Talbot.

A bill to refund to E. R. Alberti, a non-resident tax-payer of Camden county, a certain amount of money.

A bill to incorporate the Macon Savings Bank.

A bill organizing the Independent Volunteer Battalion of Augusta, and for other purposes.

A bill to appoint Trustees to the Carrollton Male and Female Academies, and for other purposes.

A bill to repeal an act approved 7th Feb'y, 1854, entitled an act to alter and amend the 5th section of an act to regulate the weighing of cotton and for other purposes.

A bill to authorise the Justices of the Inferior Court of Charlton county to levy an extra tax for county purposes.

A bill to alter and amend the Lumpkin county Manufacturing Company, assented to 24th day of Dec. 1840.

A bill to prevent the felling in of timber, or otherwise obstructing Mountain Town Creek so as to cause drifts.

A bill to incorporate the Rome Foundry and Machine Company.

A bill to authorize the admission in evidence of certified copies from the Executive Department, and other offices connected therewith, to be used as evidence in any Court of law or equity in this State.

A bill to authorise parties complainants in law or equity, to perfect service of writs against corporators under certain circumstances therein named.

A bill to appropriate money to the legal representatives of James M. Kelly, deceased.

A bill for the relief of William H. Clark of the county of Camden.

A bill to change so much of the law in reference to change bills as makes it the duty of the Judges of the Superior Courts to give the acts passed 10th December, 1841, in special charge to the Grand Juries.

A bill to authorise the Treasurer of this State to pay to the Ordinary of Emanuel county, the sum of sixty-one dollars, balance due said county for poor school purposes.

A bill to authorise and provide for the union and consolidation of the Muscogee Rail-road Company with the South-Western Rail-road Company under the charter of the latter Company.

A bill for the relief of Martha W. Clower of the county Clark and Harriett T. Danforth of the county of Wilkes.

A bill to appoint an additional number of Trustees for the Washington Academy in the county of Gwinnett.

A bill to authorise Judges of the Superior Courts of this State to appoint receivers during vacation, and to require the complainant in all cases asking for writs of "*ne exeat*" *Quia Timet*, and all applications asking for the appointment of a receiver, or for an injunction to give bond and security to the respondent, for any loss or damage which he or they may sustain by the suing out of said writs, and for other purposes.

A bill to amend an act assented to December 14th 1811,

and to allow practicing attorneys to hold the office and perform the duties of Justice of the Peace in the county of Washington.

A bill to incorporate the Fighting Town Mining Company.

A bill to authorise the consolidation of the stocks of the Atlanta and LaGrange Rail-road Company and the West Point and Tennessee Rail-road Company, and for other purposes.

A bill to appropriate money to compensate the State Treasurer for extraordinary services.

A bill to incorporate the Pine Mountain Mining Company. Also, the DeSoto Mining Company of Whitfield county.

A bill to incorporate the village of Chickasawhatchee in the county of Lee, and to appoint Commissioners of the same, and to confer certain powers upon said Commissioners. Also, to appoint Commissioners for the Houghton Institute in the city of Augusta, and to appoint Commissioners for the town of Sparta; and for other purposes.

A bill to amend an act entitled an act to improve the navigation of Great Ogeechee river, so far as the appointment of new commissioners are concerned by adding certain persons herein named to the commissioners in said act mentioned, approved February 7th, 1854.

A bill to authorize Charles J. Jarnagan and James R. Russell, of Catoosa county to practice medicine and surgery, and collect for the same.

A bill to provide for the election of Trustees of Effingham county, and for other purposes.

On motion the rules were suspended and the following bills of the House were taken up, and read the first time, to-wit :

A bill to change certain county lines therein mentioned.

A bill to incorporate the Columbia Mining Company, and to grant certain privileges to the same.

On motion of Mr. Screven, Mr. Wynn was granted leave of absence after Wednesday next.

On motion the Senate adjourned until half-past 9 o'clock to-morrow morning.

TUESDAY, FEBRUARY 26th, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Coffee, the rules were suspended, and the Senate took up the report of the committee of the whole on a bill of the House of Representatives to authorise the building, opening and constructing a rail-road from some point in the county of Union or in the county of Fannin,

which may be agreed upon by the Directors of said Railroad, or a majority of them hereinafter mentioned, running up the valley of the Little Hightower river in the county of Union, to connect with the North-Eastern Railroad now contemplated, in the county of Rabun or Habersham, or with some other rail-road or contemplated rail-road; and to grant corporate powers to the same.

The previous question was called, and being seconded, the main question was ordered to be put, and was decided in the affirmative, and the report of the committee of the whole was agreed to.

Mr. Beasley moved the previous question, which being seconded, the main question was ordered to be put, and was decided in the affirmative; and the bill was read the third time, and upon the question 'shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 50, nays 22.

Those voting in the affirmative are Messrs. Adams, Ashe, Atkinson, Avery, Beall, Brice, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Dixon, Dunnagan, Fambro, Gray, Grant, Guerri, Hale, Hamilton, Hardeman, Harris of Worth, Hays, Howell, Jamison, Knight, Lawton, Lott, Marshall, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moore of Lincoln, Moreland, Morris, Murphy, Nichols, Patterson of Jefferson, Paulk, Ponder, Poole, Pope, Ragan, Reddish, Renfro, Robinson, Roddenberry, Sapp, Simms, Scott, Strickland, Studstill, Swinney, Wales, Welborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Beasley, Buchanan, Camden, Crowder, Cumming, Dupree, Jeter, King, Landrum, Maddux, McGuire, Moody, Moore of Cobb, Murray, Patterson of Gilmer, Pharr, Riley, Rudisill, Shropshire, Screven, Ware and Wynn.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Martha W. Clower of the county of Clarke, and Harriet T. Danforth of the county of Wilkes.

Mr. Hardeman moved to amend by adding the following as an additional section, to-wit:

That Mrs. Anna Bulkley is hereby made and constituted a free or sole trader with the full power and authority to buy and sell, contract debts, and to do any kind of business as though she were sole and unmarried; and that the profits, if any, which may arise, in her business and dealings, be to her sole and separate use; which motion was agreed to.

On motion of Mr. Harris of Worth: That from and after the passage of this act, Mary Ann Barnett, wife of Nathan C. Barnett, of the county of Baldwin, be and she is hereby

authorised to contract and be contracted with as a *feme sole*, and transact business in her own name and for her own use and benefit notwithstanding her coverture, and that her future acquisitions shall not be liable for the debts or contracts of her present or any future husband, and that she may sue and be sued in her own name.

On motion of Mr. Beasely, the following was added as an additional section, to-wit:

That the foregoing sections of this bill shall also extend to Harriet Seymour, the wife of John R. Seymour of the county of Paulding.

On motion of Mr. Pope, the following was added as an additional section, to-wit:

That the provisions of this bill be and the same are hereby extended to Susan Price, wife of James W. Price of the county of Wilkes.

On motion of Mr. Moore of Lincoln, the following were added as additional sections, to-wit:

That the provisions of this bill are hereby extended to Eleanor Maloney, wife of John M. Maloney of the county of Richmond.

And that the provisions of this bill are hereby extended to Sarah Mann Tant, wife of James E. Tant of the county of Richmond.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion the Senate took up the following bill, to-wit:— A bill to authorise the Governor to call a Convention of the people of Georgia upon the happening of certain contingencies; which was read the second time and made the special order for Thursday the 28th inst.

The Senate took up the report of the committee of the whole on a bill to lay out and form a new county from the counties of Warren and Jefferson, and to provide for the organization of the same.

On motion of Mr. Patterson, the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate the Baptist Church and Camp Ground at Concord in the county of Forsyth and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to prevent citizens of other States retailing jug or hollow-ware in this State.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to add a part of the county of Catoosa to the county of Walker; to define the county line between said counties, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the perpetuation of testimony in certain cases.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to lay out a Judicial Circuit, to be called the North-Eastern Circuit.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to grant the aid of the State of Georgia to the South-Western Rail-road Company.

On motion of Mr. Lawton, the same was laid upon the table for the balance of the session.

The Senate took up the report of the committee of the whole on a bill for the relief of certain teachers of poor children in the county of Campbell for the year 1854.

On motion of Mr. Carlton, the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to repeal an act to regulate the fees of Attorneys and Solicitors General, and other purposes therein specified; approved Dec. 20th, 1849.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to authorise the Govdrnor to furnish certain books to the magistrates of the 710th dist. of Marion county.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate a bank in the town of La-Grauge, to be called the Farmer's Bank of Georgia.

On motion of Mr. Beasely, the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to raise the jurisdiction of Justices of the Peace from thirty to fifty dollars.

The report of the committee was agreed to, the bill was read a third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded and are yeas 50, nays 37:

Those voting in the affirmative are Messrs. Allred, Ashe, Avery, Beall, Brice, Brown of Gwinnett, Cantrell, Carlton, Causey, Coffee, Cone of Bulloch, Dixon, Dupree, Gray, Grant, Guerrey, Hale, Hamilton, Hardeman, Head, Jamison, Jeter, King, Landrum, Lawson of Burke, Lawton, Lott, Maddux, Marshall, Matthews, McDonald, McGuire, Moore of Cobb, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Paulk, Ponder, Reddish,

Renfroe, Robinson, Roddenberry, Screven, Ware, Wellborn and White.

Those voting in the negative are Messrs. Adams, Atkinson, Beasley, Billups, Brown of Baldwin, Buchanan, Camden, Cannon, Chastain, Crowder, Cumming, Dunnagan, Hays, Hill, Howell, Knight, Long, McIntosh, McMillan, Moody, Moore of Lincoln, Newton, Nichols, Poole, Pope, Ragan, Riley, Rudisill, Sapp, Shropshire, Simms, Strickland, Swinney, Wales Whitaker, Wingfield and Wynn.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill to alter and fix the time of holding the Superior Courts of the counties of Irwin, Telfair, Pulaski and Laurens.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to form new Judicial Circuits.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate Mount Zion Chapter No. 16, of Royal Arch Masons in the city of Atlanta.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill defining the liability of parties in actions of trover, &c.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate Woodbury Lodge No. 149 of Free and Accepted Masons of the town of Woodbury in Meriwether county. The report of the committee of the whole was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to change the line between Randolph and Calhoun counties.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill authorizing Edmond M. Butler, guardian to sell the land and negroes belonging to his ward, Hannah Butler.

Mr. Rudisill moved to amend by adding the following, to-wit :

‘Upon obtaining an order for that purpose from the Ordinary of the county;’ which was agreed to.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Sarah H. Lamar, formerly Sarah H. Andrew.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the

whole on a bill to incorporate Morning Star Lodge No. 50, Independent Order of Odd Fellows, Eatonton, Putnam Co.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to refund to the county of Taylor the amount of tax paid into the Treasury of the State from said county for the year 1853.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to lend the aid of the State of Georgia to the Dalton & Gadsden Rail-road Company.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill for the relief of John Rickenbacker, Margaret Zimmerman, formerly Margaret Rickenbacker, Samuel E. Rickenbacker, Emanuel Rickenbacker, and the legal representatives of Josiah Rickenbacker, deceased; and to prevent the estate of Jacob Stroman, deceased, late of Merriwether county, from being escheated.

Mr. Wellborn moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded and are yeas 34, nays 28.

Those voting in the affirmative are Messrs. Atkinson, Avery, Billups, Brown of Baldwin, Brown of Gwinnett, Calhoun, Camden, Causey, Crowder, Fambro, Gray, Hale, Hamilton, Hill, Jeter, Knight, Lawson of Burke, Lawton, Long, Maddux, McCrimmon, Moody, Morris, Murphy, Murray, Ragan, Reddish, Renfroe, Roddenberry, Sapp, Simms, Scott, Screven, Studstill, Wales, Wellborn and White

Those voting in the negative are Messrs. Ashe, Brice, Buchanan, Cantrell, Carlton, Chastain, Coffee, Guerry, Jamison, King, Marshall, McDonald, McGuire, McMillan, Moore of Lincoln, Moreland, Nichols, Patterson of Gilmer, Patterson of Jefferson, Pharr, Ponder, Poole, Shropshire, Spalding, Strickland, Ware Whitaker and Wynn.

So the motion to postpone prevailed.

Mr. Moore, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House, and ready for the signature of the President of the Senate,

An act to incorporate the Greenville Masonic Female Institute, located in Greenville, Georgia, and to confer powers on the same.

An act to endow the Southern Botanical Medical College at Macon, Georgia.

An act to authorise the Justices of the Inferior Court of the county of Polk, to levy an extra tax for county purposes, upon recommendation of the Grand Jury of said county.

An act to incorporate the town of Hartwell in the county of Hart and for other purposes therein named.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act to enlarge the boundary of the town of LaGrange, and to incorporate the same under the name of the city of LaGrange, and to provide for the election of Mayor and City Councilmen and such other officers as may be required, and confer upon them specified powers, and for other purposes therein named.

A bill to be entitled an act to simplify the operations of the Treasury, and to appreciate our public securities.

A bill to be entitled an act to legalise the acts of the City Council of Columbus in the issuing of bonds; and for other purposes.

A bill to be entitled an act for the relief of Hardy Smith of the county of Laurens.

A bill to be entitled an act to abolish the Land Courts in the several counties where lands are taken up on Head Rights, and to provide for the sale of all ungranted lands in this State.

They have also passed the following bills of the Senate, to-wit:

A bill to be entitled an act to incorporate and confer certain powers and privileges upon the Sandersville Hotel Company, the Pioneer Hook and Ladder Company; and the Church Asylum of Augusta.

A bill to be entitled an act to incorporate Macedonia Academy in the county of Coweta, and to appoint Trustees for the same.

A bill to be entitled an act to incorporate the Athens Gas Light Company.

A bill to be entitled an act to authorise and require the Ordinary of Jackson county to pay to D. M. Burns, Jr., of said county, his account for teaching certain poor children of said county in the year 1850.

A bill to be entitled an act for the relief of teachers of poor children of the several counties of this State, for the year 1853, '54, '55.

A bill to be entitled an act to incorporate Macon Hook & Ladder Company No. 1, and to confer certain privileges and exemptions.

A bill to be entitled an act to authorise and require the Poor School Commissioners of the county of Warren to pay Ezra McCrary out of the poor school fund of said county, the amount paid by him as Justice of the Peace out of his individual funds for teaching poor children in said county for (in) the year 1837 and 1838.

A bill to be entitled an act to authorise the issuing of attachments and garnishments, and to regulate proceedings in

relation to the same; and for other purposes therein mentioned.

A bill to be entitled an act to vest that portion of land known as the State's Reserve below the city of Macon, in the corporate authorities of that city.

A bill to be entitled an act declaring who are qualified and liable to serve as Jurors in criminal cases, regulating the manner of empanneling a Jury in such cases, declaring who are competent Jurors; and the mode and manner of ascertaining such competency, and for other purposes therein mentioned.

A bill to be entitled an act to alter and amend the tenth section of the thirteenth division of the Penal Code of this State.

A bill to be entitled an act to add an additional section to the ninth division of the Penal Code.

A bill to be entitled an act to alter and amend the fifteenth section of the fourteenth division of the Penal Code.

A bill to be entitled an act to authorise persons to submit controversies to arbitration, declaring how arbitrators shall be chosen, prescribing their powers, regulating the manner in which their proceedings shall be conducted, and for other purposes therein mentioned.

A bill to be entitled an act to authorise bills of sale to be proven, recorded and admitted as evidence in certain cases therein specified.

A bill to be entitled an act for the relief of Henry Cox of the county of Washington.

A bill to be entitled an act to reduce the Sheriff's bond of Worth, Hart and Pickens counties.

A bill to be entitled an act for the protection of the rights of Eugene Allen, a minor of Troup county.

A bill to be entitled an act to repeal a portion of the second section of an act entitled an act to change the lines between the counties of Monroe and Crawford; and also to change the lines between other counties therein mentioned, approved Feb'y 13th 1854.

A bill to be entitled an act to extend to the county of Webster, a provision of an act to amend the road laws of this State, so far as relates to the counties of Wilkes, Laurens, Lincoln, Columbia and Twiggs, approved February 20th, 1854.

A bill to be entitled an act to change the lines between certain counties therein named.

A bill to be entitled an act in relation to the public records of counties where the same have been destroyed by fire, declaring that all deeds and other instruments in writing, that have been recorded, shall be considered and taken as having been recorded, upon sufficient proof of execution; and de-

declaring what shall be proof of the contents of records so destroyed.

A bill to be entitled an act to repeal an act approved 22d January, 1852, entitled an act to repeal the first section of an act approved 19th December, 1849, entitled an act to repeal all laws respecting the importation of slaves into this State; and to give certain powers to municipal corporations in relation to slaves; and to amend the act hereby revived; and to revive said first section so repealed.

A bill to be entitled an act to authorise the Justices of the Inferior Courts of this State to exercise criminal jurisdiction.

A bill to be entitled an act to alter and amend the 19th section of the first article of the Constitution of the State of Georgia.

A bill to be entitled an act to extend the provisions of the 4th section of an act for prevention of frauds and perjuries, enacted 29th Charles, 11 ch. 3d, so as to make the same applicable to slaves.

A bill to be entitled an act to authorise Thomas H. Hall, of the county of Baldwin, a minor, to transact his own business in the same manner and subject to the same responsibilities as though he was of full age; and also to authorise Pliny Sheffield, Jr., of the county of Thomas, a minor, to transact his own business in the same manner as though he was of full age.

A bill to be entitled an act to prevent rail-road agents from shipping or conveying their grain on the Western & Atlantic Rail-road in preference; and to the injury of other persons, and punish them for the same.

And have also passed the following bills of the Senate, with amendments, to-wit :

A bill to be entitled an act to incorporate the LaGrange & Oxford Rail-road Company.

A bill to be entitled an act to authorise John W. Grant-ham, an infirm person; and a citizen of Cobb county, to peddle and vend goods, wares and merchandise in the counties of Cobb, Cherokee and Paulding, without a license for that purpose as now required by law.

A bill to be entitled an act for the relief of William T. Shannon, Reuben J. Dawson and Daniel Pardee, securities of George P. Nicholson, late Tax Collector of Greene county.

A bill to be entitled an act to protect the citizens of the counties of Worth, Richmond and Clinch from the injurious consequences of camp-hunting by non-residents.

A bill to be entitled an act to confer certain additional powers upon the Mayor of the city of Savannah, and to authorise the Mayor and Aldermen of the said city to pass ordinances for the more effectual suppression of certain offences, concerning slaves within the limits of said city, and to

provide for the taking of testimony in certain criminal causes triable at special terms of the City Court of Savannah; and for other purposes.

A bill to be entitled an act to authorise the Justices of the Inferior Courts in the counties of Fannin, Telfair and Clinch, to lay off said counties into school districts, to appoint Trustees for the same; and to provide for the election of a Treasurer for each of said districts, and for other purposes therein mentioned.

A bill to be entitled an act to amend the charter of the Southern Mutual Insurance Company.

A bill to be entitled an act to make valid certain surveys, warrants and grants, and to authorise certain grants to be issued.

A bill to be entitled an act for the relief of Mary Ann Lee of the county of Ware, and other persons herein named; and for other purposes therein mentioned.

A bill to be entitled an act limiting the time in which suits in the courts of law in this State must be brought, and also limiting the times in which indictments are to be found and prosecuted in certain cases; and for other purposes therein mentioned.

A bill to be entitled an act to incorporate the Elberton Male Academy in the town of Elberton; and County Line Academy in the county of Marion, and to appoint Trustees for the same.

To which they desire the concurrence of the Senate.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary :

Mr. President : I am directed by the Governor to transmit to the Senate a communication in writing :

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., February 26th, 1856. }

To the Senate and House of Representatives :

The 4th section of an act passed by the present General Assembly, approved February 2d, 1856, to incorporate the Georgia Military Institute, and to appropriate money for the same, provides that the Governor shall take bond and security of the Superintendent of the Institute, in the sum of thirty thousand dollars, with not less than five good securities, conditioned for the faithful payment of the fund aforesaid, upon the happening of a certain contingency specified in said bill, before drawing a warrant for the sum of money appropriated.

In a full interview with the Superintendent, I became convinced that the stringency of this requisition is such, that it amounts to a total denial of the amount appropriated, and consequently, of all the benefits intended to be conferred upon the Institute.

I respectfully suggest to the Legislature the propriety of authorizing the Executive so to construe the act, and especially the 4th section thereof, as to dispense with the necessity of requiring such a bond. It is believed that the Legislature by the appropriation, intended substantial benefit, to this infant, but promising Institute; and that upon reflection, they will relieve it from such conditions as will render it unavailable.

I have no doubt that the fund is most amply guarded without the requirement of the 4th section,

1. There is scarcely a probability, I may say a *possibility*, of the happening of the contingency against which it is intended to provide.

2. Should the contingency ever arise, the State is amply indemnified in the value of the property of the Institute, by the permanent statutory lien which is created by the act itself. The property is now worth \$25,000, and certainly the expenditure of that additional amount, appropriated by the act under consideration, will increase its permanent value to at least \$50,000. In view of these considerations, it is respectfully submitted, that by dispensing with the bond required by the 4th section, you will most effectually give the aid to the Georgia Military Institute which the appropriation contemplates.

HERSHEL V. JOHNSON.

The Senate took up the report of the committee of the whole on a bill to repeal the 1st, 2d and 3rd sections of an act entitled an act to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same and to punish for a violation of the same; and to repeal an act entitled an act to guard and protect the citizens of this State against the unwarrantable and too prevalent use of deadly weapons; assented to 25th December 1837, approved January 12th 1852.

The select committee to whom was referred the above, report the following as a substitute, to-wit:

Be it enacted, That it shall be the duty of each member of the Grand Jury for the several counties in this State, to present all persons that he knows have violated the provisions of the act approved January 12th 1852, entitled an act to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same and to punish the violation of the same; and to repeal an act entitled an act to guard and protect the citizens of this State against the unwarrantable use of deadly weapons; assented to 25th of December 1837, since the session of the Superior Court previous to that at which he is a member of the Grand Jury.

Section 2d. And it shall be lawful for any person indicted for a violation of the provisions of the above recited act, to give in evidence any fact or circumstance which shows that such person so indicted at the time of the charg-

ed violation of the above recited act, had reasonable apprehension of the loss of life or limb, and if so found by the Jury. the same shall amount to a complete defence to the charges in such bill of indictment.

On motion all after enacting clause in the original bill was stricken out, and the substitute adopted in lieu thereof; the report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and fix the time of holding the Superior Courts of the counties of Gwinnett and Hall.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate Lawrenceville Lodge No. 131 of free and accepted masons.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to incorporate Emory College No. 170 of free and accepted masons.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill for the better regulating the the retail license system.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to designate the children who shall be entitled to the benefits of the poor school fund, provided by the act to provide for the education of the poor, approved January 22d, 1852.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to incorporate the commercial bank of Georgia.

Mr. Hardeman moved to amend by striking out all after the enacting clause, and inserting the following in lieu thereof, to-wit:

"Be it enacted by the Senate and House of Representatives— That James Houston, James Dean, Francis D. Scarlett, Jacob W. Moore and Thurston R. Bloom and their successors, be and they are hereby incorporated under the name and style of the commercial Bank of Brunswick, and under that name shall be entitled to all the provisions of an act incorporating the bank of Hamilton passed at this session of the General Assembly.

Section 2d. *Be it further enacted,* That the city of Brunswick and the names of the above incorporators be inserted wherever the word Hamilton and the names of the incorporators of said bank appears in said original bill, and that all the rights and privileges of the said bank of Hamilton, be and they are hereby conferred upon said Commercial Bank of

Brunswick, and that said act be and the same is hereby made a part of this charter.

The report of the committee of the whole as amended was agreed to, the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 47 nays 22.

Those voting in the affirmative are Messrs. Ashe, Atkinson, Beasley, Billups, Buchanan, Calhoun, Cannon, Chastain, Coffee, Crowder, Cumming, Dupree, Grant, Hardeman, Hays, Head, Hill, Jamison, Knight, Landrum, Lawton, Long, Marshall, Matthews, McCrimmon, McDonald, McIntosh, McMillan, Moody, Moore of Lincoln, Morris, Murphy, Murray, Newton, Ponder, Ragan, Riley, Rudisill, Sapp, Scott, Studstill, Wales, Ware, Welborn, Whitaker, Wingfield and Wynn.

Those voting in the negative are Messrs. Allred, Avery, Beall, Brown of Gwinnett, Cantrell, Carlton, Cone of Bulloch, Dunnagan, Gray, Hale, Hamilton, Howell, King, Maddux, Moreland, Patterson of Gilmer, Patterson of Jefferson, Paulk, Poole, Shropshire, Strickland and White.

So the bill passed under the following title, to-wit :

"A bill to incorporate the Commercial Bank of Brunswick."

On motion of Mr. Carlton, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion leave of absence was granted to Messrs. Pope and Camden after Thursday next.

On motion the rules were suspended, and the Senate took up the amendment of the House of Representatives the the amendment of the Senate to the following bill of the House of Representatives, to-wit :

A bill to submit the question of removal of the Court House of Macon county to the people thereof.

On motion the same was disagreed to.

On motion the amendment of the House of Representatives to the following bill of the Senate was concurred in, to-wit :

A bill to incorporate the Lagrange and Oxford Railroad company.

The Senate took up the amendment of the House of Representatives to the following bill of the Senate, to-wit :

A bill to make valid certain surveys, warrants and grants, &c.

On motion the same was concurred in.

The Senate took up the amendment of the House of Representatives to the following bill of the Senate, to-wit :

A bill to authorize the Justices of the Inferior Courts in the counties of Fannin, Telfair and Clinch to lay off said counties into school districts, &c.

On motion the same was concurred in.

The Senate took up the amendments of the House of Representatives to the following bill of the Senate, to-wit:

A bill to confer certain additional powers upon the mayor of the city of Savannah &c.

On motion the same was concurred in.

The following message was received from the House of Representatives by Mr. Speer their Clerk, to-wit:

Mr. President: The House of Representatives have concurred in the amendments of the Senate to the following bills of the House of Representatives, to-wit:

A bill to be entitled an act to authorize the drawing of Grand and Petit Jurors for the county of Dougherty.

A bill to be entitled an act to appropriate money for the completion of the State Lunatic Asylum, and for other purposes.

A bill to be entitled an act to allow trustees to make returns to the Court of Ordinary.

A bill to be entitled an act to alter and change the line dividing the counties of Camden and Charlton, and to appoint commissioners to run the same.

A bill to be entitled an act to authorise certain persons therein named to build a bridge across the Chattahoochee river, and for other purposes.

A bill to be entitled an act to incorporate the Rome Volunteers, and to grant certain immunities and privileges to the members of the same.

A bill to be entitled an act to appropriate money to repair the State House or to provide for its future reconstruction or removal.

A bill to be entitled an act for the relief of Sarah H Lamar.

A bill to be entitled an act to allow further time to the Sheriffs and the Deputies for the service of writs, declarations, process and bills in Equity.

Mr. Moore from the committee on enrollment, reports as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to repeal the third section of an act entitled an act to make permanent the site of the public buildings in the county of Emanuel at the town of Swainsboro, and to incorporate and appoint commissioners for the same, and to change the name of Swainsboro to that of Paris. Approved Feb. the 18th, 1854.

An act to authorise the Justices of the Inferior Courts of the several counties of this State, upon the recommendation of the grand Juries thereof to assess and collect a tax for the

payment of Grand and Petit Jurors, or Grand or Petit Jurors, and at their pleasure to discontinue and again reassess the same upon said recommendation.

An act for the relief of Sarah H. Lamar and Dr. Wm. R. Holmes.

An act to allow further time to Sheriffs and their Deputies for the service of writs, process, declarations and bills in equity.

An act to appropriate money for the completion of the State Lunatic Asylum.

An act to alter and change the line dividing the counties of Camden and Charlton. Also to change the line between the counties of Macon and Taylor, and for other purposes.

An act to compensate the Grand and Petit jurors of the county of Decatur.

An act to grant trustees to make returns to the Court of Ordinary in certain cases, and to make it their duty to do so in other cases, and also to allow William M. Reese, former trustee of John G. Rives and family, to make returns to the Ordinary of Wilkes county.

An act to allow certain persons therein named the right to build a bridge across the Chattahoochee river on certain conditions therein named.

An act to incorporate Ocmulgee Mills.

An act to compensate Dr. Bedford J Head for medical services rendered to the citizens of Oglethorpe during the prevalence of the small pox in said city.

An act to incorporate the Rome Volunteers; also the Wasnington artillery corps in the city of Augusta, and to grant certain privileges and immunities to the members of the same.

The Senate took up the amendment of the House of Representatives to the following bill of the Senate, to-wit: a bill to authorise John W. Granthan to vend goods in certain counties therein named without paying a license.

On motion the same was concurred in.

The Senate took up the amendments of the House of Representatives to the following bill of the Senate, to-wit: a bill to incorporate the North-Western Bank of Georgia.

On motion the same was concurred in.

The Senate took up the amendment of the House of Representatives to the following bill of the Senate, to-wit: a bill for the relief of Wm. T. Shannon and others.

On motion the same was concurred in.

The Senate took up the amendment of the House of Representatives to the following bill of the Senate, to-wit: a bill to protect the citizens of certain counties herein named, from the injurious effects of camp-hunting.

On motion the same was concurred in.

The Senate took up the amendment of the House of Rep-

resenatives to the following bill of the Senate, to-wit: a bill for the relief of John J. Morris and John C Morris of Clay county.

On motion the same was concurred in.

The Senate took up the amendment of the House of Representatives to the following bill of the Senate, to-wit: a bill to incorporate the Mount Vernon Methodist Camp Ground in Whitfield county, and the Waresboro Camp Ground in Ware, and for other purposes.

On motion the same was concurred in.

The Senate took up the amendments of the House of Representatives to the following bill of the Senate, to-wit: a bill to prohibit the payment of storage on cotton in the city of Columbus, by farmers after selling from their waggons.

On motion the amendment striking out the 'city of Columbus' and inserting the words 'this State' was agreed to.

On motion the following amendment of the House was disagreed to, to-wit:

And be it further enacted, That when a factor, agent, broker or commission merchant fails to inform his principal of the sale of any article or articles, intrusted to him to sell within twenty-four hours, of such sale, such factor shall be liable after such sale, to pay the principal the highest market price between the day of sale and the day when he notified his principal of such sale, and a letter addressed to the principal deposited in the Post Office, containing the notice shall be a sufficient notice.

On motion the Senate took up the resolution offered by Mr Spalding on yesterday, in relation the casting of the vote of the State in the Atlantic and Gulf Railroad company.

Mr. Lawton moved to refer the same to a special committee, whereupon the yeas and nays were required to be recorded, and are yeas 48 nays 36.

Those voting in the affirmative are Messrs. Adams, Allred, Avery, Beall, Brown of Gwinnett, Buchanan, Camden, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Dupree, Fambro, Gray, Grant, Guerri, Hale, Hamilton, Harris of Worth, Hill, Jamison, King, Lawton, Maddux, Marshall, McGuire, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Murray, Paulk, Pharr, Ragan, Riley, Sapp, Screven, Strickland, Studstill, Swinney, Ware, Whitaker and White.

Those voting in the negative are Messrs. Atkinson, Brice, Calhoun, Cannon, Cone of Bulloch, Hardeman, Hays, Knight, Lawson of Burke, Lott, McIntosh, Moody, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Ponder, Poole, Pope, Reddish, Renfroe, Robinson, Roddenberry, Rudisill, Shropshire, Simms, Spalding, Wales, Welborn, and Wingfield.

So the motion prevailed.

On motion the bill to add a part of Fannin to the county of Union, was made the Special order for to-morrow.

The Senate took up the report of the committee of the whole on a bill for the preservation of the rights of married women, and the distribution of their estates.

Mr. McIntosh moved the indefinite postponement of the same, and upon the same called the previous question, which being seconded, the main question was ordered to be put, and upon the motion to postpone indefinitely the yeas and nays were required to be recorded, and are yeas 44 nays 41.

Those voting in the affirmative are Messrs. Allred, Brown of Gwinnett, Buchanan, Camden, Cannon, Cantrell, Carlton, Causey, Coffee, Cone of Greene, Crowder, Cumming, Dunnagan, Fambro, Gray, Grant, Griffin, Hale, Hamilton, Jamison, Knight, Landrum, Lott, Maddux. McCrimmon, McGuire, McIntosh, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Moreland, Murray, Patterson of Gilmer, Paulk, Ponder, Poole, Reddish, Riley, Rudisill, Simms, Strickland, Whitaker, and Wingfield.

Those voting in the negative are Messrs. Adams, Atkinson, Avery, Beall, Brice, Calhoun, Chastain, Dupree, Guerry, Hardeman, Harris of Worth, Hays, Hill, King, Lawson of Burke, Lawton, Long, Marshall, Matthews, McDonald, Morris, Murphy, Newton, Nichols, Patterson of Jefferson, Pharr, Pope, Ragan, Renfroe, Robinson, Roddenberry, Sapp, Shropshire, Screven, Spalding Studstill, Swinney, Wales, Ware, Wellborn and White.

So the motion prevailed, and the bill was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to alter and amend the fifth section of an act to regulate the weighing of cotton and other commodities in this State; approved Feb. 7th 1854.

On motion of Mr. Hill the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a reconsidered bill for the better defining the duties of the Inferior Court of Thomas; the report of the committee was agreed to, the bill was read third time and passed.

The Senate took up the report of the committee of the whole on a bill to prohibit the retailing of spirituous or fermented liquors without license, to prescribe the manner in which said license may be obtained, and also the terms and conditions to punish those who may retail without license; and for other purposes.

Mr. Moore of Cobb moved to postpone the same indefinitely.

Whereupon the yeas and nays were required to be recorded, and are yeas 42, nays 36.

Those voting in the affirmative are Messrs. Allred, Avery, Brown of Gwinnett, Buchanan, Camden, Causey, Chastain, Coffee, Cone of Bulloch, Crowder, Cumming, Dunnagan, Gray, Grant, Griffin, Guerry, Hale, Hamilton, Harris of Worth, Hays, Jamison, Knight, Lott, McCrimmon, McDonald, McGuire, McIntosh, Moody, Moore of Cobb, Moreland, Patterson of Gilmer, Pharr, Poole, Reddish, Riley, Roddenberry, Rudisill, Shropshire, Screven, Strickland, Whitaker and White.

Those voting in the negative are Messrs. Beall, Beasley, Brice, Calhoun, Cannon, Cantrell, Carlton, Cone of Greene, Dixon, Dupree, Fambro, Hardeman, Head, Hill, Jeter, King, Landrum, Lawson of Burke, Lawton, Long, Marshall, Matthews, Moore of Lincoln, Morris, Murray Newton, Patterson of Jefferson, Ponder, Pope, Ragan, Renfroe, Robinson, Sapp, Simms, Studstill, Swinney, Wales Wellborn and Wingfield.

So the motion prevailed.

The committee to whom was referred the resolution to the Atlantic & Gulf rail road, are Messrs. Whitaker, Simms Lawton, Scriven and Wales.

The Senate took up the report of the committee of the whole on a bill to authorize the investment of trust funds in certain cases.

The committee to whom was referred a bill to authorize the investment of trust funds in certain cases, beg leave to report against the passage of said bill, but recommend the passage of an accompanying substitute in lieu thereof, to-wit :

A bill to authorize the Georgia and Florida Rail Road Company, to endorse the bonds of Dougherty county, and to define the liability of the company, and prescribe the manner of collecting the bonds; and to authorize the investment of trust funds in the bonds upon the approval of the Court of Ordinary of said county, and to further provide for the security of the same; the report of the committee of the whole was agreed to, the bill was read the third time and lost.

On motion of Mr. Carlton the Senate adjourned until seven o'clock P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order, which was the consideration of the report of the committee of the whole on a bill to be entitled an act to more clearly define the liability of all rail road companies in this State; and for other purposes.

On motion of Mr. Camden, the same was amended by striking out the first section.

Mr. Head moved to amend by adding the following as an additional section :

“That any and all rail road companies failing or refusing to carry all freights in its turn, shall be liable to the owners thereof for all damages which they sustain by such delay or refusal ;” which motion was lost.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal an act assented to February 20th, 1854, to settle and fix the hours of labor by all white persons under twenty-one years of age, in all cotton, woolen and other manufacturing establishments in this State, and to make all contracts to labor in said factories for a greater length of time than therein prescribed null and void, and to punish violations of the same.

Mr. Fambro moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded and are yeas 57, nays 15.

Those voting in the affirmative are Messrs. Adams, Avery, Beall, Brice, Brown of Gwinnett, Buchanan, Calhoun Camden, Cannon, Carlton, Causey, Chastain, Coffee, Cone of Greene, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Grant, Griffin, Guerry, Hale, Hamilton, Hardeman, Hill, Knight, Landrum, Lawton, Long, Lott, Maddux, Marshall, Matthews, McGuire, Moody, Moore of Cobb, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Paulk, Pharr, Ragan, Renfroe, Riley, Rudisill, Sapp, Shropshire, Screven, Strickland, Wales, Wellborn and Whitaker

Those voting in the negative are Messrs. Allred, Cantrell, Jamison, Jeter, McCrimmon, McDonald, McIntosh, Moore of Lincoln, Patterson of Jefferson, Ponder, Poole, Pope, Reddish, Spalding, Studstill and Wingfield.

So the motion prevailed.

The Senate took up the report of the committee of the whole on a bill to authorise John A. Powell of the county of Fannin to practice medicine and surgery in all its branches, upon the Alopatic or Mineral system, in any of the counties in this State, and charge and collect his fees for the same, without a license.

Mr. Head moved the previous question, which being seconded, the main question was ordered to be put, and the report of the committee was agreed to, the bill was read the third time, and upon the question, ‘Shall this bill now pass?’ the yeas and naps were required to be recorded, and are yeas 32, nays 41.

Those voting in the affirmative are Messrs. Allred, Brown of Gwinnett, Cannon, Cantrell, Carlton, Chastain, Coffee, Crowder, Dixon, Dunnagan, Gray, Hale, Head, Hill, Long, McDonald, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Newton, Patterson of Gilmer, Patterson of Jeffer-

son, Paulk, Poole, Riley, Studstill, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Adams, Avery, Beall, Brice, Brown of Baldwin, Buchanan, Camden, Causey, Cone of Greene, Dupree, Fambro, Grant, Griffin, Guerry, Hamilton, Hardeman, Jamison, Jeter, Landrum, Lott, Maddux, Marshall, Matthews, McCrimmon, McGuire, McIntosh, Moody, Moreland, Pharr, Pope, Ragan, Reddish, Renfro, Rudisill, Sapp, Shropshire, Simms, Scott, Strickland, Wales and Wingfield.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill for the relief of administrators, executors, guardians, &c.

On motion the same was indefinitely postponed.

On motion the rules were suspended, and the following bills were taken up and read the second time, to-wit :

A bill to provide for the education of the poor, &c.

A bill amendatory of an act incorporating the city of Rome.

A bill to authorise the Justices of the Inferior Court of Troup county to levy an extra tax to build a Jail in said county.

A bill to locate the county site of Lee county at Starkville.

On motion the rules were suspended and the Senate took up the following resolution, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia, That his Excellency the Governor be instructed to furnish to the Inferior Court of Jasper county, five copies of Cobb's Analysis and Forms, for the use of the Justices and Clerk of said Court.

On motion of Mr. Maddux the same was agreed to.

On motion the Senate took up the House amendment to the following bill of the Senate, to-wit :

A bill to authorise the Ordinaries of Whitfield, Lincoln and Fulton counties to pay arrearages due teachers of poor children, &c.

On motion the same was concurred in.

The Senate took up the House amendment to the following bill of the Senate, to-wit :

A bill to incorporate the Atlanta Female College.

On motion the same was concurred in.

The Senate took up the House amendment to the following bill of the Senate, to-wit :

A bill for the relief of James Henry Fannin, &c.

On motion the same was concurred in.

The Senate took up the House amendment to the following bill of the Senate, giving the election of County Treasurer of certain counties herein named, to the legal voters of said counties.

On motion the same was concurred in.

The Senate took up the House amendments to the following bill of the Senate, to-wit :

A bill to change the residence of Frederick Merit, &c.

On motion the same was disagreed to.

On motion the Senate took up the report of the committee of the whole on a bill of the House of Representatives to provide for the preservation of the public records, &c.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate St. John the Baptist Lodge No. 184 of Free and Accepted Masons.

The report of the committee of the whole was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to provide a correct registry of deaths occurring in the city of Savannah and of interments in said city and its vicinity.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to authorise the Judges of the Inferior Courts of Liberty and Bryan to appoint a competent surveyor from their respective counties to properly run out and define the dividing line between said counties. The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the road laws of this State, so far as relates to the county of Glynn.

On motion of Mr. Long the same was amended by striking out the word 'January' wherever it occurs and insert 'June.'

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to authorise Uriah Evans of Twiggs county to peddle in the county of Twiggs, and others therein mentioned, without license.

On motion of Mr. Head the same was further amended by adding the following as an additional section, to-wit :

That the provisions of this act apply to Jephtha Mock of the county of Macon to peddle in the 2d Congressional District, also to James B. Nelson to peddle in the 1st Congressional District. The report of the committee was agreed to, as amended, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to prevent any person from throwing dead stock or other dead carcasses into Cotticay or Chattahoochee rivers, or timber that would be likely to create

drifts, &c. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to add a part of originally Union county to the county of Gilmer and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding, also to add lots of land number ninety-nine, one hundred and twenty-five, one hundred and twenty-six and one hundred and twenty-seven in the thirtieth district of Marion county to Sumter.

On motion of Mr. Jamison the 1st section was amended by adding the following, to-wit:

"Provided the citizens of the territory thus transferred shall not be liable to pay taxes in Gilmer county the present year."

On motion of Mr. Jeter the same was amended by striking out the fourth section. The report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Jeremiah J. Gafford of the county of Stewart.

The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Columbus Savings and Mutual Loan Association.

On motion of Mr. Cone of Greene, the same was referred to the committee on Banks.

The Senate took up the report of the committee of the whole on a bill to alter an act entitled an act to repeal an act entitled an act to extend the civil jurisdiction of Justices of the Peace in the city of Savannah, and for other purposes, assented to February 17th, 1854.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to simplify the method of carrying cases to the Supreme Court; and for other purposes therein specified.

On motion the same was referred to a special committee already appointed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Ladies' German Benevolent Society of Savannah. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to extend the jurisdiction of the Magistrates' Courts within the corporate limits of the city of Augusta to fifty dollars.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Justices of the Inferior Court of the county of Wayne, on the recommendation of the Grand Jury of said county to levy an extra tax to be applied to common school purposes to appoint commissioners, and for other purposes. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to compel all persons residing out of the State and who own lands in the State to pay tax for the same in the counties where the land lies; the report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House to repeal the first section of an act entitled an act to grant exemptions to Cavalry corps, &c.

The report of the committee of the whole was agreed to, the bill was read third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend the several rent laws of this State; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to reduce the Bonds of the Sheriffs of the county of Coffee to the sum of eight thousand dollars; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to amend the road laws of this State, so far as relates to the county of Coffee.

Mr. Dixon offered the following additional section, which was agreed to, to-wit:

And be it further enacted, That every citizen of the county of Meriwether shall make a return of the number of hands under their control subject to road duty to the proper authority by the first day of April in each year.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to incorporate the 'United Riflemen' of the city of Columbus, &c.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the several acts of the General Assembly of the State of Georgia, relating to the Savannah

and Albany Rail-road Company and the Savannah, Albany and Gulf Rail-road Company, approved respectively on the 25th day of December, 1847, the 20th day of November, 1851, and the 20th day of February, 1854, and to authorise the southern branch of said Savannah, Albany and Gulf Rail-road Company to cross the line of the Brunswick and Florida Rail-road Company.

Mr. Long moved to amend the same by adding the following as an additional section, to-wit :

Be it further enacted, That all the rights, privileges, grants, and immunities of the act to incorporate the Brunswick and Florida Rail-road and subsequent acts thereto be, and the same is conferred upon the present owners and incorporators of said Company, to Branch Rail-road to run from any point on the Brunswick and Florida Rail-road or the Main Trunk Road as the Directors of the Brunswick and Florida Rail-road may determine, to the city of Macon; the motion was agreed to. The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to define the liabilities of the husband, &c.

The report of the committee was agreed to, the bill was read the third time and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 49, nays 15.

Those voting in the affirmative are Messrs. Adams, Beall, Brice, Calhoun, Cannon, Chastain, Crowder, Dixon, Dunnagan, Dupree, Fambro, Grant, Griffin, Guerry, Hardeman, Head, Hill, Jeter, Knight, Lawton, Lott, Marshall, Matthews, McDonald, McGuire, McIntosh, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Patterson of Jefferson, Ponder, Pope, Ragan, Renfroe, Riley, Robinson, Sapp, Shropshire, Simms, Scott, Screven, Studstill, Wales, Ware, Wellborn, Whitaker and White.

Those voting in the negative are Messrs. Allred, Buchanan, Camden, Cantrell, Carlton, Causey, Coffee, Cone of Greene, Hale, Maddux, McCrimmon, Murray, Patterson of Gilmer, Paulk, Poole and Strickland.

So the bill was passed.

On motion the Senate adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 27th, 1856.

The Senate met pursuant to adjournment.

Mr. Buchanan moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a

bill for the relief of John Rickenbacker and others; whereupon the yeas and nays were required to be recorded and are yeas 45, nays 37.

Those voting in the affirmative are Messrs. Adams, Allred, Beall, Brice, Buchanan, Camden, Cantrell, Carlton, Causey, Chastain, Coffee, Cone of Bulloch, Dunnagan, Guerry, Hays, Jamison, King, Landrum, Long, Lott, Marshall, Matthews, McDonald, McGuire, McMillan, Moody, Moore of Cobb, Moore of Lincoln, Murray, Newton, Nichols, Patterson of Jefferson, Pharr, Ponder, Poole, Ragan, Reddish, Renfroe, Robinson, Shropshire, Smith, Strickland, Welborn, Whitaker and Wynn.

Those voting in the negative are Messrs. Atkinson, Beasley, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Cone of Greene, Crowder, Dupree, Fambro, Gray, Grant, Griffin, Hale, Hamilton, Hill, Knight, Lawson of Burke, Lawton, Maddux, McCrimmon, McIntosh, Moreland, Morris, Patterson of Gilmer, Paulk, Pope, Riley, Roddenberry, Rudisill, Sapp, Simms, Scott, Screven, Swinney, Wales, Ware and Wingfield.

So the motion to reconsider prevailed.

Mr. Carlton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill of the House to compel all persons residing out of the State and who own lands in the State, to pay tax for the same in the counties where the land lies; which motion was lost.

Mr. Hardeman moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on a bill to amend the several acts of the General Assembly, in relation to the Savannah, Albany & Gulf Rail-road Company; which motion was agreed to.

The Senate took up the reconsidered bill.

Mr. Long moved to strike out the amendment in relation to the construction of the branch from Brunswick, and insert the following, which was agreed to-wit:

Be it further enacted, That for the purpose of constructing a rail-road from the city of Brunswick, or from some point on the Atlantic and Gulf Rail-road, to the city of Macon, Wm. H. Speight, David S. Scarlett, James Houston, W. H. Long, Randal McDonald, P. F. D. Scarborough, E. E. Crocker, Thomas Glover, W. B. Johnson, Charles Collins, James Dean and T. R. Bloom and such other corporations and individuals as may be associated with them and their assigns be and they are hereby made a body politic and corporate by the name and style of the Macon and Brunswick Rail-road Company and by said corporate name, shall continue in operation for thirty years with all the rights, privileges and immunities granted to the Brunswick and Florida Rail-road Company by their act of incorporation and the several acts amendatory thereto; and that the provisions of

the aforesaid Brunswick and Florida Rail-road charter be and the same is made a part of this charter, so far as is applicable to the same.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

On motion of Mr. Coffee, the following resolution was taken up, read and agreed to, to-wit:

Whereas, John B. Beall of the county of Carroll, son of Gen. William Beall, has enlisted into company J, 1st regiment of cavalry, U. S. Army; and whereas, the said John B. Beall is a young man of good moral character and well-educated and devoted to the profession of arms; and whereas, the said John B. Beall, by his capacity and good behaviour has been promoted to the highest non-commissioned office in said company; and whereas, it is believed that the said John B. Beall would serve the country with honor to himself and credit to his native State,

Be it therefore resolved by the General Assembly of the State of Georgia. That our Senators and Representatives in Congress be requested to exert their influence to procure for the said John B. Beall, a commission in the United States Army, and that the Governor be requested to furnish each of our Senators and Representatives in Congress with a copy of this resolution.

On motion of Mr. Calhoun the Senate took up the report of the committee of the whole on a bill to place the State upon an equal footing with other parties, so far as to allow writs of error to be prosecuted in certain cases.

The report of the committee of the whole was agreed to; the bill was read the third time and lost.

On motion of Mr. Lawson, the Senate took up the bill of the House in relation to the calling of a Convention of this State under certain contingencies, and the same was made the special order for to-morrow.

Mr. Cone from the select committee to whom was referred a bill to simplify the method of carrying cases to the Supreme Court, reported the same back to the Senate with an accompanying substitute, and recommend its passage.

On motion all after the enacting clause of the original bill was stricken out, and the following substitute inserted in lieu thereof, to-wit:

Section 1st. When any party is dissatisfied with any decision made by any of the Judges of the Superior Courts of this State, such party may carry the case in which said decision is made to the Supreme Court under the following rules and regulations.

Section 2d. The party complaining of such decision shall make out a bill of exceptions and present it to the Judge making the decision within twenty days after the adjournment of the Court at which said decision was made, and if

said decision was made at Chambers, within twenty days after such decision was made, and it shall be the duty of the Judge to certify and sign or refuse to sign said bill of exceptions within two days after the same shall be presented to him, or shall come to his hand.

Section 3d. The certificate and order of the Judge, and which shall be signed by him, shall be substantially as follows: "I do certify that the foregoing bill of exceptions is true, and contains all the evidence material to a clear understanding of the errors complained of, and the Clerk of the Superior Court of the county of _____ is hereby required and ordered to make out a complete copy of the record of said case, and to certify the same to be a true and complete copy, and cause the same to be transmitted to the _____ Term of the _____ District of the Supreme Court, that the errors alledged to have been committed, may be considered and corrected, and which shall be the writ of error in said case.

Section 4th. It shall be the duty of the Party obtaining said bill of exceptions within ten days after the same is signed by the Judge, to serve the opposite party or his Attorney at Law, with a copy of such bill of exceptions or obtain acknowledgment of service from the party or his Attorney-at-Law, and within two days thereafter, to file said bill of exceptions in the Clerk's office of the Court where the case was tried or depending in which the errors complained of were committed.

Section 5th. It shall be the duty of said Clerk within ten days after said bill of exceptions shall have been filed in his office, to make out a copy of said bill of exceptions, and also a complete transfer and copy of the record in said case, and to certify the same to be a true and complete copy, and to cause the same, together with the original bill of exceptions, to be enveloped and transmitted to the next term of the Supreme Court of the district in which such Court is situated, directed to the Clerk of said Court, provided said Court does not sit in a shorter time than fifteen days from the time said bill of exceptions is filed in the Clerk's office as aforesaid, and if within a shorter period, then to the next term of said Court held thereafter, and the Clerk of said Superior Court shall return said copy of the bill of exceptions in his office.

Section 6th. No other writ of error, citation or notice shall be required, except as hereinbefore provided, nor shall any exception be taken or allowed as to the manner in which any case has been taken to said Supreme Court, provided the previous provisions of this act have been substantially complied with.

Section 7th. If it shall so happen that the Judge of the Superior Court shall not be at home at the time when application is made for signing a bill of exceptions, or when such

bill of exceptions arrives at the post office, where he usually receives his letters, it shall be lawful for said Judge to sign said bill of exceptions on his return home, although the time within which said bill of exceptions is to be signed by the provisions of this act, may have expired, provided said application for signing said bill of exceptions was made before the expiration of the time aforesaid or that said bill of exceptions was deposited in said office in time to have reached said Judge before the expiration of the time within which bills of exceptions are to be signed by the provisions of this act, the Judge shall state in his certificate the fact of his absence.

Section 7th. It shall not be necessary to embody in the bill of exceptions any paper or the copy of any paper, that is contained in the transcript of the record, nor to state therein any fact, that appears by said transcript, nor to embody therein any documentary or other evidence that is not connected with, or material for a correct and clear understanding of some one of the errors complained of in the bill of exceptions.

Section 9th. Only one copy of the bill of exceptions and brief of argument shall be required for the use of the Judges of said Supreme Court, unless there is a division of opinion in the case, and then it shall be lawful for said Judges to require their Clerk to make out two additional copies for their use, and the costs for the same shall be taxed as other costs in the case.

Section 10th. It shall not be necessary to make any assignment of errors as heretofore practiced in said Court, but the case shall be heard upon the errors as set forth in the bill of exceptions, which shall be plainly and distinctly set forth.

The report of the committee of the whole as amended was agreed to; the bill was read the third time and passed.

Mr. Moore from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House and ready for the signature of the President of the Senate, the following acts:

An act to incorporate Nicotack Rail-road and Mining Company.

An act to incorporate a Rail-road Company to be called the Atlantic and Gulf Rail-road Company, and for other purposes therein named.

The following message was received from his Excellency the Governor through Mr. DeGraffenried, his Secretary:

Mr. President—I am instructed to inform the Senate that the following acts have been approved and signed by the Governor:

An act to change the time of holding the Superior Courts of certain counties therein named, and for other purposes.

An act to incorporate the town of Brunswick in the coun-

ty of Glynn, to define its jurisdictional limits, to provide for the election of Mayor and City Council, and such other officers as may be required and confer upon them special privileges, and for other purposes therein mentioned.

An act to repeal an act entitled an act to change the line between the counties of Campbell and Fayette, so as to include the residence of Nathan Camp (now in the county of Fayette,) in the county of Campbell, approved February 20th, 1854.

An act to repeal all laws consolidating offices of Receiver of Tax Returns and Tax Collector in the county of Irwin.

An act in relation to allowing Tax Collectors an insolvent list by the Grand Juries of the several counties of this State.

An act to alter and amend an act entitled an act to appropriate a sum of money to remove obstructions from the Big and Little Ohoopie Rivers, and to render the same navigable for the transportation of timber, rafts, lumber, wood and other produce thereon, and for other purposes herein mentioned, approved Feb. 4th 1854.

An act to change the mode of apportioning the poor school fund of Baker county with the counties of Dougherty and Calhoun.

An act to authorise the Justices of the Inferior Court of Warren county to levy an additional tax on the State tax sufficient to defray the annual expenses of the county and one-third of the present indebtedness of said county.

An act to incorporate a Bank in the city of Savannah to be called the Timber Cutters' Bank.

The following message was received from the House of Representatives by Mr. Speer, their Clerk.

Mr. President—The House of Representatives have passed the following bills, to-wit :

A bill to be entitled an act to indemnify Otho P. Beall for the loss of a lot of land granted a second time.

A bill to be entitled an act to appropriate money for the use of the Southern Central Agricultural Society ; and for other purposes therein specified.

A bill to be entitled an act to remit the State Tax to the amount of one hundred dollars of Solomon Page of Lee county, assessed to him by mistake of the Tax Receiver of that county.

A bill to be entitled an act for the relief of Jackson Tyner.

A bill to be entitled an act to incorporate the Warrenton and Macon Rail-road Company, and to confer certain powers and privileges upon the same.

They have also passed the following bills of the Senate, to-wit :

A bill to be entitled an act to prohibit any person or per-

sons from driving cattle on the Look Out Mountain in the counties of Walker, Catoosa and Dade, in certain months of the year.

A bill to be entitled an act to legalise and make valid two charters granted by the Mayor and Aldermen of the city of Columbus for plank roads in said city.

A bill to be entitled an act to appoint commissioners of pilotage for the navigable waters of the Port of Darien in the county of McIntosh.

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Pickens, and to authorise the Justices of the Inferior Court to levy an extra tax for that purpose ; and to extend the provisions of this act to other counties therein named.

A bill to be entitled an act to incorporate the Woodland Female College located in the town of Cedar Town, Georgia, and to confer upon said corporation certain powers therein named.

A bill to be entitled an act to prevent and make penal the obstruction of any of the public roads of Troup county by persons engaged in horse racing.

A bill to be entitled an act to require the Ordinaries of this State to keep a book in which they shall record all letters testamentary, letters of administration and letters of guardianship ; and for other purposes.

A bill to be entitled an act for the relief of Jesse J. Connel of the county of Dooly.

A bill to be entitled an act explanatory of the second section of an act entitled an act to alter and amend an act for the more effectual securing the probate of Wills, &c., approved Dec. 10, 1812.

A bill to be entitled an act to prescribe the mode of taxing costs in the Supreme Court of this State.

A bill to be entitled an act to give endorsers the control of fi fas in all cases which they may have paid them off, against the principal or any prior endorsers.

A bill to be entitled an act to exempt Daniel and Lucinda his wife, the property of Harrison W. Riley nominal slaves from the tax now imposed by law on nominal slaves.

A bill to be entitled an act to incorporate Cotton Hill Male and Female Seminary in the village of Cotton Hill, Clay county, and to appoint Trustees for the same.

A bill to be entitled an act to lay out and organise a new county from the counties of Union and Rabun ; and for other purposes therein specified.

A bill to be entitled an act to incorporate the Garnett Hill Mining Company of Georgia.

A bill to be entitled an act to define and extend the powers of the Union Society of the city of Savannah with regard to apprentices.

A bill to be entitled an act to amend an act incorporating the town of Oxford in the county of Newton; and for other purposes therein mentioned.

A bill to be entitled an act to authorise the Sheriff to take new bail when the principal has been surrendered in certain cases. and to make valid certain bail bonds taken heretofore.

A bill to be entitled an act to provide for establishing lost or destroyed papers and suing upon the same.

A bill to be entitled an act to incorporate the Elberton Female Collegiate Institute, located at Elberton, and to amend the act incorporating the Snake Creek Academy in Gordon county; and for other purposes therein named.

A bill to be entitled an act to add the present residence of the Rev. H. T. Bussey to the county of Telfair.

A bill to be entitled an act for the relief of Henry A. Clemmons.

A bill to be entitled an act to define the time of holding the Superior Courts in Brunswick Judicial Circuit; and for other purposes.

A bill to be entitled an act to permit practicing attorneys to hold the office and discharge the duties of Justice of the Peace in this State.

A bill to be entitled an act to authorise Isaac C. Loller to build and keep a mill dam across the Conasauga river on his own land.

A bill to be entitled an act to incorporate Madison Town Hall Company.

And have also passed the following bills of the Senate, with amendments, to-wit :

A bill to be entitled an act to incorporate the town of Fletcherville in the county of Thomas, and also to extend the corporate limits of the town of Bainbridge; and for other purposes.

A bill to be entitled an act to establish and organise a Court in the cities of Columbus, Macon, Atlanta and Rome, and to define its jurisdiction.

A bill to be entitled an act to authorise Dr. J. J. M. Goss to practice medicine on the Eclectic system as taught in Cincinnati, Ohio.

A bill to be entitled an act to allow Andrew J. Wooten of Telfair to peddle and vend goods in the counties of Telfair, Pulaski, Montgomery, Appling, Coffee, Irwin and Lowndes free of license, and other persons therein named.

A bill to be entitled an act in relation to the poor school funds in certain counties therein named.

A bill to be entitled an act for the relief of teachers of poor children in the county of Decatur.

A bill to be entitled an act to incorporate Pierce Female College, and for other purposes.

A bill to be entitled an act to exempt the active members

of the Young America Fire Company from Jury and Militia duty.

A bill to be entitled an act to alter and amend an act to make permanent the county line between the counties of Dooly and Worth; and also between the counties of Irwin and Dooly.

A bill to be entitled an act to elect the Attorney General for the Middle Circuit, and the Solicitors General of the respective Judicial Circuits of the State, by the people; and for other purposes therein named.

A bill to be entitled an act to amend the laws now of force in relation to idiots, lunatics and insane persons, and their estates; and for other purposes.

A bill to be entitled an act to limit the time of service of Grand and Petit Jurors in the City Court of Savannah, and to exempt the keepers of Laurel Grove Cemetery, near the city of Savannah, from service on Juries of the Superior Court and the City Court of Savannah.

The House of Representatives insist upon their amendments to the following bills of the Senate, to-wit:

A bill to be entitled an act to add lots of land Nos. 117 and 118 in the 6th district of Irwin county to the county of Worth, and to change the lines between certain other counties.

A bill to be entitled an act to prohibit the payment of storage on cotton in the city of Columbus by farmers after selling from their wagons,

And they recede from their amendment to the bill to be entitled an act to submit the question of removal of the Court House of Macon county to the people thereof.

And have agreed to the amendments of the Senate to the bill of the House to be entitled an act for the relief of Martha W. Clower of the county of Clarke and Harriet T. Danforth of the county of Wilkes.

The House of Representatives have also agreed to a resolution in relation to legal proceedings against the representatives of the late S. T. Chapman former State Printer.

Also a resolution in relation to the pay roll and other evidence of service of Militia called out to defend the western border of this State.

Mr. Moore from the committee on Enrollment reported as duly enrolled and ready for the signature of the President of the Senate:

An act for the relief of Henry Cox of the county of Washington.

An act to incorporate Macedonia academy in the county of Coweta, and to appoint Trustees for the same.

An act to authorise the Justices of the Inferior Courts of this State to exercise criminal jurisdiction.

An act to extend the provisions of the fourth section of an

act for prevention of frauds and perjuries, enacted 29th Charles 11 ch. 3d, so as to make the same applicable to slaves.

An act to prevent Rail-road agents from shipping or conveying their grain on the Western and Atlantic Rail-road in preference and to the injury of other persons and to punish them for such offences.

An act for the relief of teachers of poor children of the several counties of this State for the years 1853, '54 and '55.

An act in relation to the public records of counties where the same have been destroyed by fire declaring that all deeds and other instruments in writing that have been recorded shall be considered and taken as having been recorded, upon sufficient proof of execution, and declaring what shall be proof of the contents of records so destroyed.

An act to reduce the Sheriff's bond of Worth, Hart and Pickens counties.

An act to incorporate Macon Hook and Ladder company number one and to confer certain privileges and exemptions.

An act for the protection of the rights of Eugene Allen a minor of Troup county.

An act to alter and amend the nineteenth section of the first article of the Constitution of the State of Georgia.

An act to alter and amend the fifteenth section of the fourteenth division of the Penal Code.

An act to authorise bills of sale to be proven, recorded and admitted in evidence in certain cases therein specified.

An act to extend to the county of Webster the provisions of an act entitled an act to amend the road laws of this State, so far as relates to the counties of Wilkes, Laurens, Lincoln, Columbia and Twiggs, approved February 20th, 1854.

An act to authorise and require the poor school commissioners of the county of Warren to pay Ezra McCrary out of the poor school fund of said county the amount paid by him as Justice of the Peace out of his individual funds for teaching poor children in said county for (in) the years 1837 and 1838.

An act to repeal a portion of the second section of an act entitled an act to change the lines between the counties of Monroe and Crawford, and also to change the lines between the counties therein mentioned, approved February 13th, 1854.

An act to authorise Thomas H. Hall, of the county of Baldwin, a minor, to transact his own business in the same manner and subject to the same responsibilities as though he was of full age; and also to authorise Pliny Sheffield, Jr., of Thomas county, a minor, to transact his own business in the same manner and subject to the same responsibilities as though he was of full age.

An act to repeal an act approved 22d January, 1852, entitled an act to repeal the first section of an act approved 19th December, 1849, entitled an act to repeal all laws respecting the importation of slaves into this State; and to give certain powers to municipal corporations in relation to slaves; and to amend the act hereby revived; and to revive and continue in force the said first of said act so repealed.

An act to incorporate and confer certain powers and privileges upon the Sandersville Hotel, Company, the Pioneer Hook and Ladder Company, and the Church Asylum of Augusta.

An act to compensate the Grand and Petit Jurors of the county of Tattnall to provide for the payment of Petit Jurors of Columbia county; and for other purposes.

An act to incorporate Atlanta Female College located in Atlanta, and to confer powers on the same; and to repeal the second section of the act of 19th December, 1829, in relation to the Medical College of Georgia.

An act to authorise and require the Ordinary of Jackson county to pay to D. M. Burns, Jr., of said county, his account for teaching certain poor children of said county in the year 1850.

An act to vest that portion of land known as the State's reserve below the city of Macon in the corporate authorities of said city.

An act to alter and amend the tenth section of the thirteenth division of the Penal Code of this State.

An act declaring who are qualified and liable to serve as Jurors in criminal cases, regulating the manner of empanelling a Jury in such cases, declaring who are competent Jurors and the mode and manner of ascertaining such competency; and for the purposes therein mentioned.

The following message was received from the House of Representatives by Mr. Speer their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act for the promotion of education.

A bill to be entitled an act the more effectually to carry into effect the thirteenth section of the fourth article of the constitution of the State of Georgia, to promote the arts and sciences, and to provide for the education of teachers; and for other purposes.

They have also passed the following bill of the Senate with an amendment, to-wit:

A bill to be entitled an act to incorporate the the North-Eastern Railroad company.

The House of Representatives have also concurred in the resolution of the Senate in relation to the ungranted lots of

land, and authorizing the Governor to appoint a fit and competent person to examine the records of grants, &c.

Mr. Lawson of Burke from the committee to whom was referred that portion of the Governor's message touching the boundary line between Florida and Georgia, beg leave to make the following report.

It appears from the Governor's message, that at the instance of the Governor of Florida, the suit pending in the Supreme Court of the United States to determine the boundary line between Florida and Georgia, has been continued or withdrawn in order to obtain authority from the Legislature of each State for a settlement of the question. Responding to the spirit indicated by the propositions of Governor Broome, and deprecating an unpleasant controversy with a co-terminous sister State, we respectfully recommend the adoption of the following resolutions :

1. *Resolved by the General Assembly of the State of Georgia,* That the Governor of this State be authorised to open a negotiation with the Governor of the State of Florida, with the view to the settlement of the pending controversy in relation to the boundary line, without the necessity of further litigation.

Resolved by the authority aforesaid, That the negotiation may be conducted by the Governor of Georgia with the Governor of Florida, but in the event that the Legislature of Florida should desire to conduct such negotiations by commissioners, and should appoint one for that purpose, be and he is hereby authorised to appoint a commissioner on the part of Georgia for the purpose aforesaid.

3. *Resolved by the authority aforesaid,* That should said negotiation result in an agreement between the parties as to the boundary line, the Governor of Georgia be and he is hereby directed to communicate the same to the next General Assembly for ratification.

Mr. Cone from the committee on enrollment reported as duly enrolled and ready for the signature of the President,

A bill authorizing persons to submit controversies to arbitration, declaring how arbitrators shall be chosen and prescribing their powers, regulating the manner in which their proceedings shall be conducted, and for other purposes therein mentioned.

The Senate took up the report of the committee of the whole on a bill of the House to remove the Penitentiary of this State, to appropriate money for the same, and for other purposes.

Mr. Brown of Baldwin moved to amend by striking out all after the enacting clause, and insert the following in lieu thereof, to-wit:

A bill to appropriate money for the purpose of buying wood and lime for the repairs of the Penitentiary.

Whereas, the present condition of the State Penitentiary is such as to demand repairs of the walls.

Section 1st, *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of two thousand five hundred dollars be and the same is hereby appropriated for the purpose of buying wood and lime for the repairs of the Penitentiary wall, and that the work to be done and the money expended, shall be under the direction and control of his Excellency the Governor and Principal Keeper of the Institution.

Mr. Jeter moved to divide the question.

The previous question being called for and seconded, the main question was ordered to be put, and was decided in the affirmative, and upon the motion to strike out the yeas and nays were required to be recorded, and are yeas 48 nays 37.

Those voting in the affirmative are Messrs. Atkinson, Avery, Beall, Beaseley, Billups, Brice, Brown of Baldwin, Cantrell, Causey, Chastain, Cone of Bulloch, Crowder, Cumming, Dunnagan, Hamilton, Harris of Worth, Hays, Hill, Jamison, Jeter, Lawton, Lott, Maddux, Marshall, Matthews, McCrimmon, McDonald, McIntosh, Moody, Newton, Nichols, Paulk, Poole, Pope, Ragan, Reddish, Riley, Robinson, Roddenberry, Rudisill, Sapp, Simms, Scott, Screven Smith, Studstill, Swinney and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Brown of Gwinnett, Buchanan, Calhoun, Camden, Cannon, Carlton, Coffee, Cone of Greene, Dixon, Dupree, Fambro, Gray, Grant, Hale, King, Landrum, McGuire, McMillan, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Renfroe, Shropshire, Strickland, Wales, Ware, Welborn, Whitaker and White.

So the motion to strike out prevailed.

Mr. Strickland moved to lay the original bill and amendments on the table for the balance of the session, whereupon the yeas and nays were required to be recorded, and are yeas 27, nays 50.

Those voting in the affirmative are Messrs. Allred, Atkinson, Avery, Buchanan, Calhoun, Camden, Cannon, Chastain, Dupree, Fambro, Hale, Jamison, King, Landrum, Lott, McMillan, Moore of Lincoln, Moreland, Murray, Patterson of Gilmer, Patterson of Jefferson, Pharr, Reddish, Robinson, Strickland, Wellborn and Whitaker.

Those voting in the negative are Messrs. Adams, Beall, Beasely, Billups, Brice, Brown of Baldwin, Brown of Gwinnett, Cantrell, Carlton, Causey, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dixon, Gray, Grant, Guerry, Hamilton, Harris of Worth, Hays, Jeter,

Lawton, Maddux, McCrimmon, McDonald, McIntosh, Moody, Moore of Cobb, Morris, Newton, Nichols, Paulk, Poole, Pope, Ragan, Renfroe, Riley, Roddenberry, Rudisill, Simms, Scott, Screven, Smith, Studstill, Swinney, Wales, Ware and White,

So the motion to postpone was lost.

Mr. Allred moved to amend by adding the following, to-wit:

Be it further enacted, That this act shall not go into effect until after the next Presidential election, and the legal voters shall endorse upon their tickets at the next election for electors of President and Vice President, 'Penitentiary or no Penitentiary,' and should a majority vote for Penitentiary, then the provisions of this act shall be carried into effect, but should a majority vote no Penitentiary then this act shall be null and void.

Whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 62.

Those voting in the affirmative are Messrs. Allred, Atkinson, Avery, Brice, Calhoun, Cannon, Cantrell, Carlton, Dixon, Hale, Lawson of Burke, Matthews, McDonald, Moore of Cobb, Moore of Lincoln, Nichols, Paulk, Roddenberry and Strickland.

Those voting in the negative are Messrs. Adams, Beall, Beaseley, Brown of Baldwin, Brown of Gwinnett, Buchanan, Camden, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dabney, Dunnagan, Dupree, Fambro, Gray, Grant, Griffin, Guerry, Hamilton, Harris of Worth, Hays, Hill, Jamison, Jeter, King, Knight, Lawton, Maddux, Marshall, McCrimmon, McGuire, McIntosh, McMillan, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Pope, Ragan, Renfroe, Rudisill, Sapp, Shropshire, Simms, Scott, Screven, Smith, Studstill, Wales, Ware Wellborn, Whitaker, White and Wingfield.

So the motion to amend was lost.

Mr. Cone of Bulloch moved to insert the following, to-wit:

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of aforesaid, That three commissioners shall be appointed by the present General Assembly whose duty it shall be to lease the Penitentiary for the term of fifteen years, upon such terms and conditions as may be approved by his Excellency the Governor as best to subserve the public interest, and to require such bond as may be deemed proper for the faithful performance of the terms of said lease, and for the humane treatment of the convicts; and said commissioners shall sell the property of the State pertaining to the Penitentiary, on such terms as they may deem proper with the approval of the Governor.

And be it further enacted, That said commissioners shall constitute a Board of Inspectors to examine the condition of said Penitentiary at such time as they may deem proper, and if it shall be reported to the Governor by said Inspectors that the terms of the bond given by the lessees of said Penitentiary have been violated, the Governor shall cause suit to be instituted, to recover such damages as may have been rendered.

And be it further enacted, That the lessees, and those who may be employed in and about the said Penitentiary, when the same shall be leased, shall be required to take and subscribe an oath that he or they shall to the best of their ability keep the convicts therein confined, or such as may be thereafter confined in accordance with the sentence under which they may be confined, and will allow no voluntary escape of any of said convicts.

The motion of Mr. Cone of Bulloch, to insert, was agreed to.

The report of the committee of the whole as amended, was agreed to, the bill was read third time and passed.

Leave of absence was granted to Messrs. Guerry and Head.

On motion the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion Mr. Howell was granted leave of absence.

On motion of Mr. Guerry, Messrs. Cone of Greene, Nichols, Swinney and Welborn were added to the committee on enrollment.

On motion of Mr. Hill the Senate took up a bill of the House to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailers, Justices of the Peace and Constables of this State.

On motion the Senate went into committee of the whole on the same, Mr. McMillan in the Chair, and after some time spent in the same, the committee rose and reported the bill back, with certain amendments to the same.

Mr. Pope moved to postpone the bill indefinitely.

Whereupon the yeas and nays were required to be recorded and are yeas 42, nays 35.

Those voting in the affirmative are Messrs. Adams, Bil-lups, Brice, Brown of Gwinnett, Buchanan, Calhoun, Chas-tain, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dixon, Gray, Griffin, Hale, Hays, Knight, Lott, McGuire, McIntosh, McMillan, Moody, Murphy, Newton, Nichols, Patterson of Gilmer, Patterson of Jefferson, Paulk, Pharr,

Pope, Ragan, Roddenberry, Rudisill, Shropshire, Simms, Scott, Screven, Smith, Swinney, Ware, Welborn and Whitaker.

Those voting in the negative are Messrs. Allred, Beall, Beaseley, Brown of Baldwin, Cannon, Cantrell, Carlton, Coffee, Dunnagan, Dupree, Fambro, Grant, Guerri, Hamilton, Harris of Worth, Hill, Jeter, King, Lawson of Burke, Lawton, Maddux, Marshall, McCrimmon, McDonauld, Moore of Cobb, Moore of Lincoln, Morris, Murray, Ponder, Poole, Riley, Robinson, Sapp, Studstill, Wales and White.

So the motion to postpone prevailed.

Mr. Simms from the committee to whom was referred certain resolutions of the Senate in relation to the Atlantic and Gulf rail road company, reported the same back and recommended the passage of the following resolutions, to-wit :

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the following named persons, to-wit: Hon. E. Y. Hill of Troup, Hon. I. T. Irwin of Wilkes, and Hon. A. J. Lawson of Burke, be and they are hereby authorized and appointed to cast the vote to which the State of Georgia shall be entitled as a stock holder of the Atlantic and Gulf Railroad company for Directors, and in all meetings of stockholders, until otherwise ordered by the Legislature.

On motion of Mr. Lawton the same was taken up and agreed to, and ordered forthwith transmitted to the House of Representatives.

On motion the Senate took up the message of the House in relation to the bill to elect the Attorney General of the Middle Circuit, and the Solicitor Generals of the respective Judicial Circuits of the State by the people, and for other purposes therein named, and certain amendments to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House in relation to a bill to incorporate the town of Fletcherville in the county of Thomas, and also to extend the corporate limits of the town of Bainbridge, and for other purposes, and certain amendments to the same.

On motion the amendments of the House were concurred in.

The Senate took up the message of the House on a bill to establish and organize a Court in the cities of Columbus, Macon, Atlanta and Rome, and to define its jurisdiction, and certain amendments to the same.

On motion the amendments were concurred in.

On motion the Senate took up the message of the House of Representatives in relation to a bill to incorporate Pierce Female College, and certain amendments to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House in relation to a bill for the relief of teachers of poor children in the county of Decatur, and certain amendments to the same.

On motion the amendments were concurred in.

The Senate took up the message of the House in relation to the adherence of the House to its amendment to a bill of the Senate to add lots of land Nos. 117 and 118 in the 6th district of Irwin county to the county of Worth, &c.

On motion the Senate adhered to its disagreement.

The Senate took up the message of the House in relation to the amendment of the House to the bill of the Senate, and agreed thereto.

On motion the Senate took up the message of the House of Representatives to a bill of the Senate with certain amendments, to-wit :

A bill to alter and amend an act to make permanent the county line between the counties of Dooly and Worth, and also between the counties of Irwin and Dooly.

On motion the Senate disagreed to the amendment 'changing the line between the counties of Lee and Dougherty,' and agreed to the amendment changing the line between the counties of Worth and Dougherty.

The Senate took up the message of the House in relation to the adherence of the House to its amendments to the bill of the Senate prohibiting the storage on cotton in the city of Columbus by farmers, after selling from their waggons.

On motion the Senate receded from its disagreement to the same.

The Senate took up the message of the House in relation to a bill to allow Andrew J. Wooten of the county of Telfair to peddle and vend goods in the counties of Telfair, Pulaski, Montgomery, Appling, Coffee, Irwin and Lowndes free of license and other persons therein named, and certain amendments to the same.

On motion the amendments of the House were concurred in.

The Senate took up the message of the House in relation to a bill to exempt the active members of the Young America Fire Company from Jury and militia duty, and certain amendments to the same.

On motion the amendments of the House were concurred in.

The Senate took up the message of the House in relation to a bill to authorise D. J. J. M. Goss to practice medicine on the eclectic system, as taught in Cincinnati, Ohio, and certain amendments to the same.

Mr. Calhoun moved to concur in the amendments; where-

upon the yeas and nays were required to be recorded, and are yeas 32, nays 34.

Those voting in the affirmative are Messrs. Allred, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Carlton, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon Fambro, Hale, King, Knight, Lott, McDonald, McIntosh, Moore of Cobb, Murphy, Murray, Newton, Patterson of Jefferson, Paulk, Poole, Riley, Robinson, Roddenberry, Shropshire, Wellborn, and White.

Those voting in the negative are Messrs. Adams, Beasley, Buchanan, Cumming, Dunnagan, Dupree, Gray, Grant, Griffin, Hamilton, Harris of Worth, Jamison, Landrum, Lawton, Maddux, Marshall, McCrimmon, McGuire, Moody, Moreland, Morris, Nichols, Patterson of Gilmer, Pharr, Ragan, Renfroe, Simms, Scott, Screven, Smith, Swinney, Wales, Ware and Whitaker.

So the motion to concur was lost.

The Senate took up the report of the committee of the whole on a bill to incorporate the Columbus Savings and Mutual Loan Association; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Griffin Savings and Mutual Loan Association.

The committee on banks reported the following amendments, which were agreed to, to-wit.

Strike out the whole Preamble of the bill,

Strike out from 1st section the words 'therefore be it resolved' and insert 'the General Assembly of the State of Georgia do enact as follows.'

In the same section strike out the words 'Georgia Savings and Mutual Loan Association,' and insert the words 'the Savings Bank of Griffin. In the same section strike out all after the word 'herein amend' to the word 'and' and insert the words 'so far as may be necessary for the erection of banking houses, or have been mortgaged as security for debts due said bank, or purchased by notice of judgments in favor of said bank.'

Strike out the three last lines of said section

Strike out from the third section the words, 'or bills of specie paying banks of this State.'

Strike out from the same section the words, 'of like currency' and insert the words 'in specie.'

Strike from the fourth section the word 'twenty,' insert 'fifty,' at the end of the section insert the following words, 'and the evidence that the said fifty thousand dollars has been paid in shall be the certificate of the Ordinary of the county of Spalding, that he has counted the money and that the same has been paid in specie, and which said certificate shall

be recorded in his office, nor shall said bank commence business until said certificate is made and recorded.'

Insert in the 5th line after the word 'deposit' 'not less than five per centum.'

Strike out all after the 7th section, down to the word 'no' in the 13th line.

Strike from the the eighth section 'or bills of specie paying banks.'

To the end of the fifteenth section add the following, 'and in the event of such excess, the charter of said bank shall be forfeited.'

Amend 15th section as follows, after the word 'exceed' insert the word 'three.'

To the end of the 16th section add the following, 'But no dividends shall be declared so as in any way or manner to increase the capital stock, and any withdrawal of any portion of the capital stock by dividends or otherwise, shall be a forfeiture of the rights and privileges granted by this act.'

Two-thirds of said stock shall be owned by citizens of Georgia, otherwise the said charter shall be forfeited. The private and individual property of each stockholder, as well as their joint property, shall be liable for the redemption of the bills of said bank, and for the payment of all the debts and liabilities of the same in proportion to the stock owned by each, and when any judgment shall be obtained against said bank and execution issued thereon, it shall be the duty of the levying officer first to levy the same upon the property of said corporation, and to sell the same, and if the proceeds thereof shall be insufficient to pay off said execution, and the return of said officer of no corporate property shall be sufficient proof of the same, it shall be the duty of said officer next to levy said execution on the individual property of any stockholder or stockholders, and sell the same until an amount raised sufficient to pay off said execution. Provided—the same is not for a greater amount than his proportionate part of the debts of said bank in proportion to the amount of his stock, and if for a greater amount, and in that case an amount equal to his rateable part of the debts of said bank in proportion to the amount of his stock, and judgment obtained against said bank by any creditor, shall not only bind the property of said bank, but shall also bind the individual property of each stockholder for his part aforesaid in proportion to the amount of his stock, without the necessity of bringing any other suit against the stockholders, and service of a copy in substance of the declaration and process upon the President or Cashier of said bank, shall be adjudged sufficient service and notice, both of said bank and of each stockholder therein, to render the property of said bank and the individual property of each stockholder therein, subject and liable for the payment of any judgment which may be rendered against

said bank in the manner above specified; and any stockholder who pays off any such judgment, or any part thereof, shall have a right to use and control the *fi fa* issued in any such case, against all the other stockholders, to collect the rateable share out of each of them, for his own use.

It shall be the duty of the President and Cashier within six months after said bank goes into operation, to make out a statement of the condition of said bank, and a list of its stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said bank, and the kind and character of the funds of which it is composed, and also the amount of indebtedness of said bank, and the character of said indebtedness, which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers printed in Griffin for two successive weeks, and such list and statement as aforesaid, shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for twenty days shall cause a forfeiture of all the rights and privileges granted by this act.

Those who were stockholders of said bank at the time a list of the stockholders was advertized next before the failure of said bank to redeem its notes on demand, or pay any other debts on demand, shall be held, considered and taken as stockholders at the time of such failure, and shall be liable as stockholders according to the provisions of this act, and shall be liable to execution according to the provisions of this act.

The report of the committee of the whole as amended was agreed to, the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 32, nays 29.

Those voting in the affirmative are Messrs. Buchanan, Calhoun, Cannon, Chastain, Cone of Bulloch, Crowder, Dixon, Dupree, Fambro, Hill, Jamison, Knight, Lawson of Burke, Lawton, McGuire, McIntosh, Moody, Moore of Cobb, Murphy, Murray, Newton, Nichols, Ponder, Ragan, Roddenberry, Rudisill, Sapp, Screven, Studstill, Wales, Wellborn and Whitaker.

Those voting in the negative are Messrs. Allred, Beall, Billups, Brown of Gwinnett, Camden, Cantrell, Carlton, Coffee, Cone of Greene, Dunnagan, Gray, Grant, Griffin, Hale, Jeter, King, Lott, Maddux, McCrimmon, Moreland, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole Pope, Renfroe, Shropshire, Strickland and White.

So the bill was passed.

On motion the Senate adjourned until seven o'clock. P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the rules were suspended and the Senate took up the following bills of the House of Representatives and read the same the first time, to-wit :

A bill for the relief of John Ursy of Warthen county.

A bill for the relief of Jackson Tyner.

A bill to remit the State tax to the amount of one hundred dollars of Solomon Page of Lee county, assessed to him by mistake of the tax Receiver of said county.

A bill to appropriate money for the use of the Southern Central Agricultural Society.

A bill to indemnify Otho P. Beall for the loss of a lot of land granted a second time.

A bill to incorporate the Warrenton and Macon Railroad company, and to confer certain powers and privileges upon the same.

A bill to appropriate money to remunerate William Wills, John M. Wilcher, Charmer B. Strange and John Y. Fletcher, for expenses and services in bringing from Alabama Francis M. Collins, a fugitive from justice.

A bill to change the line between the counties of Newton and Jasper.

A bill to give further time for holding the Superior Court of Sumter, Lee, Dougherty and Baker counties.

A bill for the relief of John A. Jones of the county of Polk.

A bill to amend the several acts prescribing the mode of compensating the Grand and Petit Jurors of the county of Lumpkin.

A bill to authorize the Ordinary of DeKalb County to pay Winston H. Cash the sum of thirty-one dollars for teaching poor children of said county.

A bill to appropriate money for the several purposes therein mentioned.

A bill to incorporate the town of Lexington in the county of Oglethorpe, and to provide for the election of Intendent and Commissioners therefor, and to define their powers and duties.

A bill to explain and supplementary to an act to authorize the Inferior Courts of Washington county to levy an extra tax for the purpose of building a Court House and Jail, assented to December 22d, 1855.

A bill to provide for the removal of free negroes from this State, and for their voluntary return to slavery.

A bill to authorize the Governor to call a convention of the people upon certain contingencies therein specified.

A bill to enlarge the boundary of the town of Lagrange, and incorporate the same under the name of the city of La-

Grange and to provide for the election of mayor and council and such other officers as may be required, and to confer upon them certain powers.

A bill for the relief of Hardy Smith of Laurens county.

A bill to legalize the acts of the city council of Columbus in the issuing of bonds.

A bill to simplify the operations of the treasury, and to appreciate our public securities.

A bill to amend the twelfth section of the second article of the Constitution of Georgia, so as to permit the General Assembly to unite any two or more of the State House Offices.

A bill to appoint a Commissioner to audit the claim of John H. Howard against the State, and to appropriate money for the payment of the same.

A bill to add an additional section to the Penal Code of the State of Georgia.

A bill for the relief of James Sullivan, Tax Collector for the county of Union for the year, 1854.

A bill to abolish the Land Courts in the several counties where lands are taken up on Head Rights.

A bill to provide for the sale of insolvent tax executions in the several counties of this State, and to authorise the purchase at such sales and their transfer, or whoever may hold the same, to collect the same.

A bill to determine what shall be sufficient allegations in indictments charging the offence of unlawful trading and dealing with slaves, and to amend the fourteenth section of thirteenth division of the Penal Code.

A bill to give certain privileges to the Justices of the Inferior Court of the county of Harris.

A bill for the relief of John W. Carlton of the county of Fulton.

A bill to provide compensation for the commissioned officers non-commissioned officers, musicians and privates of certain companies.

A bill to incorporate the Hancock Internal Improvement and Banking Company, &c.

A bill relative to the re-survey of the 6th district of Habersham county, and for other purposes.

A bill to authorise the Bank of the State of Georgia to establish a Branch Bank in the city of Rome.

A bill to incorporate the Walton Female College, and for other purposes.

A bill to add an additional section to the 4th division of the Penal Code of this State.

A bill to confer certain powers on Henry Davenport and James Knott of Clark county.

A bill to appropriate a sum of money to erect a monument in honor of the Hon. Andrew J. Miller, dec'd.

A bill to authorise the Justice Courts to establish lost papers to the amount of their jurisdiction, and charge for the same, &c.

A bill to alter, change and amend the 2d section of an act to regulate the advertising of Clerks, Sheriffs, and other State and county officers, and for other purposes.

A bill to more effectually carry into effect the thirteenth section of the fourth article of the Constitution of the State, &c.

A bill for the promotion of Education.

A bill to incorporate Concordia Lodge No. 45 of Independent Odd Fellows of Irwinton, Wilkinson county.

A bill to confer certain powers on Henry Davenport and James Knott of Clark county.

A bill to amend an act entitled an act to incorporate a company in the county of Columbia and State of Georgia to be known by the name and style of the Columbia Mining Company, and to grant certain privileges thereto, and for other purposes therein named.

A bill to incorporate the Walton Female College at Monroe in Walton county with power to appoint a President and Directors to confer collegiate degrees.

A bill to add an additional section to the 4th division of the Penal Code.

A bill to provide for the sale of insolvent executions in the several counties of this State, and to authorise the purchase at such sales, and their transfer.

On motion the rules were suspended, and the following bills of the House of Representatives were taken up and read the second time, to-wit :

A bill to authorise Rufus Barker of Floyd county to practice medicine, &c.

A bill to authorise and provide for the union and consolidation of the Muscogee Rail-road Company with the South-Western Company.

A bill to authorise the Governor to draw his warrant upon the Treasury for thirty dollars and thirty-seven and a half cents in favor of Copeland Harris, &c.

A bill to compensate the Petit Jurors of the county of Lincoln, &c.

A bill to incorporate the Trustees of Enon Church of McIntosh county.

A bill to authorise James McCauley of Catoosa county to erect a mill dam across Chickamauga Creek.

A bill to incorporate the Dalton Brass Band in the town of Dalton, county of Whitfield.

A bill to incorporate Montgomery Camp Ground.

A bill to authorise Habersham county to aid in constructing the North-Eastern Rail-road or any other Rail-road running through said county.

A bill to alter and amend an act to alter the law in relation to interest on money, approved 17th Dec., 1845.

A bill to make executors and administrators liable for costs in certain cases.

A bill to incorporate the Trustees of the Masonic Hall in Savannah.

A bill to incorporate Reeners Camp Ground in Rabun county.

A bill to extend certain privileges to James E. Smith of Clay county.

A bill for the relief of John B. Griffin of Kinchafoonee.

A bill to amend an act to incorporate a Company in the county of Columbia called the Columbia Mining Company.

A bill to authorise Thomas R. Gibbs to peddle without license.

A bill to incorporate Fredonia Academy in Baker county.

A bill to authorise the Road Commissioners of Bryan county to transact business under certain circumstances.

A bill to punish all persons obstructing Bull creek in Tattall county.

A bill to authorise the Inferior Court of Gwinnett county to pay the Sheriffs of said county for summoning Jurors, &c.

A bill to incorporate the Atlanta Female College.

A bill to repeal the 7th section of an act entitled an act to amend the road and patrol laws of this State, so far as relates to Effingham county.

A bill to authorise the Ordinary of Gwinnett county to pay certain poor children, &c.

A bill to incorporate the Moccasin Turnpike company in Rabun county.

A bill to incorporate the Methodist Episcopal Church at New Hope Bulloch county.

A bill to incorporate the Russelville Methodist Camp Ground.

A bill to incorporate Hebron Presbyterian Church in Franklin county.

A bill to change the time of holding the Inferior Courts of Catoosa county.

A bill to alter, amend and enlarge an act entitled an act to ascertain, dispose of, and appropriate the ungranted lands in the county of Chatham and to vest the same in certain charitable societies.

A bill to amend the sixth section of an act to incorporate the Bank of Savannah.

A bill to incorporate the South-Western Electro Magnetic Telegraph Company.

A bill to amend an act entitled an act to incorporate the town of Carrollton in Carroll county, approved 22d December, 1829.

A bill to incorporate the town of White Plains in Greene county, and for other purposes.

A bill to authorize Ephraim Young and others to peddle without license.

A bill amend the several acts now in force regulating the fees of Magistrates and Constables in this State, so far as relates to the county of Decatur.

A bill to amend an act to incorporate the Ogeechee Plank Road Company, &c.

A bill to compensate John T. Riley, William H. Whitfield and John D. Crawford for services rendered.

A bill to incorporate the Bank of Columbus.

A bill to change the line between the counties of Taylor and Marion, and for other purposes.

A bill to amend an act in relation to the measuring of timber, and the appointment of Measurers and Inspectors, and to punish violations of the same.

A bill to amend the several acts now in force in reference to the Public Printer.

A bill to authorize the Justices of the Inferior Court of the county of Bibb, or a majority of them, at their discretion to levy and collect an extra tax, for the purpose of opening and keeping in good repair the public highways of said county.

A bill to incorporate Salem Camp Ground in Newton county.

A bill to incorporate Island Creek Academy in Hancock county.

A bill to authorize Ransom Rogers, Sen'r., of Screven county, to practice medicine and collect compensation therefor.

A bill to incorporate the town of Fort Valley in Houston county.

A bill for the relief of Osborne J. Register of Fulton county.

A bill to ratify the incorporation of Atlanta Loan Building Association, and to legalise the acts thereof.

A bill to appoint Trustees for Hall county academy.

A bill to provide for the selection of the Grand and Petit Jurors in certain cases.

A bill to incorporate Cherokee Baptist Georgia Convention, and to confer upon it certain powers.

A bill to allow practising attorneys to serve as Justices of the Peace in Burke county.

A bill to incorporate Stony Point Mining Company.

A bill to alter, amend and add to the several laws relating to slaves and free persons of colour.

A bill to alter, amend and add to the penal laws of this State.

A bill for the relief of James Roundtree of Fulton county and James Suggs of Randolph county.

A bill for the relief of William Waters.

A bill to change certain county lines therein named.

A bill to incorporate New Lebanon Presbyterian Church in Franklin county, and for other purposes.

A bill to authorise the collection of interest on open accounts.

A bill to require agents at the depots of the Western and Atlantic Rail-road to receipt for and mark produce, &c.

A bill to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts, approved December 14th, 1811.

A bill to cede to the United States jurisdiction over certain territory within the limits of the city of Savannah.

A bill to give to defendants damages for frivolous suits against them.

A bill to change the time of holding the Superior and Inferior Courts in the county of Carroll.

A bill to incorporate the Look Out Rail-road Company, and for other purposes therein named.

A bill for the relief of Frances Murray lately the wife of James Murray.

A bill to appropriate a sum of money for the payment of the claim of Thomas E. Patton assignee of Thos. E. Brice.

A bill to incorporate a Bank in the town of Morgan to be called the Bank of Morgan.

A bill to change the January and October elections in the State of Georgia from the first Monday in January and October to the first Wednesday in January and October.

A bill to incorporate Pierce Chapel in the county of Richmond.

A bill for the relief of Mary Elizabeth Hane of Randolph county.

A bill to amend the third section of an act entitled an act to amend the several acts relating to the Court of common pleas and of Oyer and Terminer of the city of Savannah, and for other purposes, approved 9th December, 1853, and for other purposes therein named.

A bill to authorise the Inferior Court of the county of Tel-fair to open a poll or election at the Court House and the several precincts in said county, on the question of the removal of the county site, and for carrying out the will of the majority.

A bill to incorporate Mount Hope academy in Muscogee county near Flat Rock Camp Ground, and to appoint Trustees for the same.

A bill to alter and change the time of holding the Inferior Courts of the county of Henry.

A bill to change the times of holding the Superior Courts in certain counties therein mentioned, and for other purposes therein specified.

A bill to alter, change and amend an act entitled an act to incorporate the town of Decatur in the county of DeKalb, assented to December 10th, 1823.

A bill for the relief of Joseph Landrum of the county of Oglethorpe.

A bill to confer certain privileges upon R. H. Lampkin of the county of Greene and to make lawful his acts and to give him authority to transact business as though he were of full age.

A bill to incorporate the Georgia College of science and agriculture located at in the State of Georgia.

A bill to allow any joint tenant in common, or other person having a part interest in lands or tenements to maintain a separate action of Ejectment or Trespass, and for other purposes.

A bill to authorise the Ordinaries of the several counties in this State to the account of teachers of poor children in certain cases therein specified.

A bill to amend the charter of the Trustees of the Presbyterian Church and Washington Female Seminary granted by act of December 19th, 1827, and amended by act of December 31st, 1838; and for other purposes.

A bill to incorporate a stock company to be called the Chattahoochee Iron Works; and for other purposes.

A bill to fix the time of holding elections for Judges of the Superior Courts, Attorney General and Solicitors General.

A bill to compel all incorporated Mining Companies of this State to give in, and pay taxes on their stock in the counties where the mines are located.

A bill for the relief of Mrs. Jane Elizabeth Lott, wife of George Lott of Richmond county.

A bill to incorporate the Planters Club of Hancock county and authorise the payment to the same of a portion of the State tax of said county upon certain counties.

A bill to extend the provisions of an act to amend the several acts now in force regulating the fees of Magistrates and Constables in the State of Georgia, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for the mode of collecting the same, approved January 22d, 1852, to the county of Fulton.

A bill to change the time of holding the Superior and Inferior Courts of Sumter county.

A bill to authorise the Treasurer to pay over to the Ordinary of Chattahoochee county the poor school fund for 1854.

A bill to incorporate the Bank of the Empire State.

A bill to alter and amend the several laws in relation the poor school system, so far as relates to Lumpkin county.

A bill to charter the exchange Bank of the State of Georgia at Griffin.

A bill to change the county lines between Cass and Gordon; and for other purposes.

A bill to authorise the Inferior Court of Muscogee county to sell the lot on which the Jail now stands.

A bill to authorise the Inferior Court of Effingham county to order the payment of the Superintendents, Clerks and those who consolidate the election returns of said county.

A bill to alter and change the lines between Newton and Jasper.

A bill to incorporate the American Mining Company.

A bill to provide for paying the delegates sent by authority of the State of Georgia to the Nashville Convention.

A bill to amend the 9th section of the act incorporating the city of Dalton, assented to 28th December, 1853; and for other purposes.

A bill to ratify the organization and election of the 1st regiment 1st brigade, 1st division, G. M.

A bill to change the lines between the counties of Heard and Troup.

A bill to authorise any company to construct a bridge across the Chattahoochee river, in the counties of Fulton and Cobb across the old piers of the Western and Atlantic Rail-road.

A bill to alter and amend an act entitled an act to amend an act passed 17th Dec., 1847, to authorise parties to compel discoveries at common law, &c.

A bill to change the name of the Talbotton Female academy in Talbotton, &c.

A bill supplemental to an act to authorise the selection and permanent location of the county site in the county of Wayne; and for other purposes.

A bill to incorporate the North Georgia Mining Company.

A bill for the relief of Mason Tiller of the county of Lee.

The Senate took up the report of the committee of the whole on the bill to authorise the Inferior Court of Troup county to levy an extra tax for the years 1856 and 1857 to build a Jail in said county; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to alter and amend the act incorporating the Lumpkin county Manufacturing Company, assented to 24th day of Dec., 1840.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate Summerville academy, Emanuel county. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on a bill to authorise the Mayor and Council of the city of Columbus to do certain acts therein named.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend an act to provide for the education of the poor, assented to 27th December, 1843, and the acts amendatory thereof. The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to locate the county site of Lee county at Starkville; and for other purposes.

On motion the same was postponed indefinitely.

On motion the Senate took up the report of the committee of the whole on a bill amendatory of an act incorporating the city of Rome.

Mr. McGuire offered the following additional sections, which were agreed to, to-wit :

And be it further enacted by the authority aforesaid, That the Marshal and deputies of the city of Rome shall after their election and qualification be under the exclusive control of the Mayor and Council, and may be dismissed from office at any time for mal practice in office, or neglect of duty by the vote of a majority of the members of said Council at any regular meeting of Council, and not to be re-eligible during the time for which they may have been elected.

And be it further enacted by the authority aforesaid, That the election of said Marshal and deputies shall be held at the same time of holding the city election, and the Mayor and Council may appoint a different set of managers to superintend said election to be held under the same regulations as for Mayor and Council.

And be it further enacted by the authority aforesaid, That in the event of a vacancy in the office of Marshal or deputies, by removal, death or otherwise, the Mayor or Council shall order another election, upon giving ten days public notice.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Finch Mining Company of Cherokee county, Georgia.

Mr. McMillan moved to amend by adding the following as an additional section, to-wit :

And be it further enacted by the authority aforesaid, That William G. Smith, Jr., James M. Darden and their associates be, and they are hereby created a body corporate and politic, for mining purposes, by the name and style of the Rich Mountain Mining Company, with a capital stock of not more than one hundred thousand dollars, which company for judicial purposes shall be located in the county of Pick-

ens, in which county it shall be suable, and shall be entitled to all the rights and privileges, and subject to all the restrictions and limitations, that are granted to, and imposed upon the corporation hereinbefore named. The motion was agreed to.

On motion of Mr. Cone of Greene the same was further amended by adding the following, to-wit :

"The charter of the company shall extend for the period of twenty years, and no longer." The report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of John Huie of the county of Fayette. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of House to incorporate the Augusta Savings Bank. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to refund to E. R. Alberti a non-resident taxpayer of the county of Camden a certain amount of money.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to appropriate money to the legal representatives of James M. Kelly, deceased.

On motion the same was amended by adding the following, to-wit :

"And that the Treasurer of this State pay to William H. Clark the sum of nine dollars for over tax in the year 1855."

The report of the committee of the whole, as amended, was agreed to ; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill authorising the Ordinaries of this State to issue *fi fas* for cost in certain cases.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Camden the rules were suspended and the Senate took up the following resolution, and agreed to the same, to-wit :

Resolved, That the Secretary be required to transmit all bills and resolutions acted upon by the Senate, to the House of Representatives immediately, unless otherwise directed by the Senate.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives, to reduce the Sheriff's bond hereafter to be given in the county of Hart, from twenty thousand dollars to ten thousand dollars.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to appropriate money to erect a necessary building for the accommodation of the pupils of the Institute of the Blind, located in the city of Macon. The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorise the Ordinary of Twiggs county to grant letters of guardianship to Daniel W. Shine.

The report was agreed to, the bill was read the third time and passed.

The Senate took the report of the committee of the whole on a bill of the House of Representatives to repeal an act approved Feb'y. 7th, 1854, entitled an act to alter and amend the 5th section of an act to regulate the weighing of cotton and other commodities in this State.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives amendatory of an act incorporating the Muscogee Rail-road Company, so far as regards the qualification and election of Directors thereof. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Rachel Holoman wife of Willam Holoman of the county of Carroll.

On motion of Mr. Buchanan the same was amended by adding the following, to-wit :

"And that the provisions of this act shall be applied to Martha E. Alford, wife of James A. J. Alford of Troup county." The report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to provide for the election of Trustees of Effingham county academy, and for other purposes.

On motion of Mr. Newton the same was amended by adding the following, to-wit :

And be it further enacted, That it shall be the duty of the present Trustees within ten days after the first election of Trustees by the Grand Jury to turn over to them, and account to them for all debts, funds and evidences of debt in their hands, and to deliver to them all books of accounts, and other property now held by the said Trustees, and upon their failure to do so the new Trustees are hereby authorised to proceed by mandamus, or otherwise, to enforce the pro-

visions of this act. The report of the committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and amend the road laws in the county of Morgan. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Governor to draw his warrant on the Treasury to the amount of one hundred and sixty dollars in favor of Wm. S. Norman of the county of Liberty. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend an act to improve the navigation of Great Ogeechee river, so far as the appointment of new commissioners are concerned by adding certain persons herein named to the commissioners in said act mentioned, approved Feb'y. 7th, 1854. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise Charles T. Jarnigan and James R. Russell of Catoosa county to practice medicine and surgery, and collect for the same.

Mr. Landrum moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded, and are yeas 27, nays 30.

Those voting in the affirmative are Messrs. Adams, Beasley, Brown of Baldwin, Buchanan, Camden, Dunna-gan, Grant, Jamison, Jeter, Landrum, Lawton, Maddux, Matthews, McCrimmon, McMillan, Moody, Murphy, Ragan, Renfro, Rudisill, Sapp, Simms, Screven, Strickland, Wales, Ware and Whitaker.

Those voting in the negative are Messrs. Atkinson, Beall, Billups, Calhoun, Cannon, Cantrell, Carlton, Chastain, Coffee, Cone of Greene, Crowder, Dixon, Griffin, Hale, Knight, Lawson of Burke, Lott, McDonald, Moore of Cobb, Moore of Lincoln, Morris, Murray, Patterson of Jefferson, Ponder, Poole, Riley, Shropshire, Studstill, Wellborn, and White.

So the motion was lost.

Mr. Billups moved the previous question, which being seconded the main question was ordered to be put and was decided in the affirmative, and the report of the committee was agreed to, the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 22, nays 38.

Those voting in the affirmative are Messrs. Beall, Cannon, Carlton, Chastain, Coffee, Cone of Greene, Dixon, Hale, Knight, Lott, McDonald, Moore of Cobb, Moore of Lincoln,

Murray, Patterson of Jefferson, Ponder, Poole, Riley, Shropshire, Studstill, Wellborn and White.

Those voting in the negative are Messrs. Adams, Atkinson, Beasley, Billups, Brown et Baldwin, Buchanan, Calhoun, Camden, Cantrell, Crowder, Dunnagan, Grant, Griffin, Hamilton, Jamison, Jeter, Landrum, Lawton, Maddux, Matthews, McCrimmon, McGuire, McMillan, Moody, Moreland, Morris, Newton, Ragan, Renfro, Rudisill, Sapp, Simms, Scott, Screven, Strickland, Wales, Ware and Whitaker.

So the bill was lost.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to authorise the Inferior Court of Houston county to levy an extra tax for the years 1856 and 1857 for the purposes therein named.

The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to incorporate Hopewell academy in the county of Fayette.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House of Representatives to extend the limits of the village of Cave Spring.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Crawford H. Little, Tax Collector of the county of Franklin.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until 9 o'clock to-morrow morning.

THURSDAY, FEBRUARY 28th, 1856.

The Senate met pursuant to adjournment.

Mr. Rudisill moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill in relation to the Penitentiary; which motion was lost.

Mr. Screven moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill in relation to the weighing of cotton and for other purposes; which motion was agreed to.

The following message was received from the House of Representatives by Mr. Speer their Clerk, to-wit:

Mr. President: The House of Representatives have passed resolutions in reference to the decease of Thomas E. Beall, Esq., a Representative from the county of Columbia, to which they ask the concurrence of the Senate.

They have also appointed a committee, consisting of Messrs. Barton and Kitchens, to join such committee as may be appointed on the part of the Senate, to attend the remains to his late residence in Columbia. The House also have resolved to adjourn to attend his remains to the R. R. depot, at 10 o'clock this morning.

On motion of Mr. Moore of Lincoln, the Senate took up the message of the House and the following resolutions of the House, and unanimously concurred in the same, to-wit:

"Again has death entered our halls; thrice hath the shaft flown and thrice hath the victim fallen. The providence of God falleth as a heavy hand upon us. The representative from the county of Columbia and our co-laborer here is no more.

Resolved, That in the death of Thomas E. Beall, Columbia county has lost a faithful representative, his co-laborers a sincere friend, and the world an honest man.

Resolved, That the usual badge of mourning will be worn by us during the balance of this session of the General Assembly, and that a copy of these resolutions be forwarded to the friends of the deceased.

Resolved by the General Assembly, That a committee consisting of Messrs. Barton and Kitchens be appointed on the part of the House to join such committee as may be appointed on the part of the Senate to attend the remains of the late Thomas E. Beall, Esq., Representative from Columbia, to his late residence.

Resolved, That this House adjourn this morning to attend the remains of the deceased to the rail-road depot.

On motion the President appointed Messrs. Avery of Columbia and Nichols of Clinch as a committee on the part of the Senate, to join a similar committee on the part of the House, to accompany the remains of the deceased Representative to his late residence in Columbia county.

On motion, the Senate then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Cone of Greene, the Senate took up the message of the House in relation to a bill limiting the time in which suits in the courts of law in this State must be brought, and also limiting the time in which indictments are

to be found and prosecuted in certain cases, and for other purposes therein mentioned; and an amendment to the same.

On motion of Mr. Cone of Greene, the following amendment of the House was disagreed to, to-wit:

“Provided, That this act shall apply only to contracts made and entered into after its passage.”

On motion the Senate took up the special order, which was the report of the committee of the whole on a bill to add a part of the county of Union to the county of Fannin, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time, and upon the question, ‘Shall this bill now pass?’ the yeas and nays were required to be recorded, and are yeas 10, nays 52.

Those voting in the affirmative are Messrs. Adams, Allred, Carlton, Calhoun, Chastain, Cumming, Grant, Poole, Riley and Ware.

Those voting in the negative are Messrs. Beall, Brown of Baldwin, Buchanan, Cannon, Cantrell, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Griffin, Hale, Hamilton, Harris of Worth, Hays, Hill, Jamison, Jeter, King, Knight, Lawson of Burke, Lawton. Maddux, Marshall, Matthews, McMillan. Moore of Lincoln, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Pharr, Renfroe; Robinson, Rudisill, Sapp, Simms, Scott, Screven, Smith, Swinney, Wales, Welborn, Whitaker and Wingfield.

So the bill was lost.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bills, to-wit:

A bill to be entitled an act for the relief of James O. Hunt.

A bill to be entitled an act more effectually to compel the payment of the legal tax heretofore imposed on agencies of Foreign Banks.

A bill to be entitled an act for the relief of Augustus C. Jones.

A bill to be entitled an act for the relief of William G. Booth and Philip H. Delane, teachers of poor children of the county of Marion for the year 1851.

A bill to be entitled an act to declare and define the jurisdiction of Courts of Ordinary in this State; and for other purposes therein mentioned.

A bill to be entitled an act to lay out and construct a turnpike road of suitable width and grade from the Union county line, at or near where the road now crosses said line, above the present residence of Alfred Parks: and for other purposes therein named.

A bill to be entitled an act to authorise and require the Ordinary of Marion county to pay Littleton Morgan a certain sum of money for teaching poor children in said county in the year 1852.

A bill to be entitled an act to provide for a geological and mineralogical survey of the State, with a view to developing the agriculture and mining interest of this State.

A bill to be entitled an act for the amending of the several acts passed by the General Assembly of the State of Georgia, and for altering and changing the charter of the city of Atlanta, and for other purposes therein named.

They have also passed the following bills of the Senate, to-wit:

A bill to be entitled an act to confer certain privileges upon James J. Boyett of the county of Randolph, and to make lawful his acts, and to give him authority to transact business as though he were of full age.

A bill to be entitled an act to incorporate the Georgia Air-Line Rail-road Company, and to confer on them certain powers and privileges therein mentioned.

A bill to be entitled an act to incorporate a bank in the town of Bainbridge, to be called the Southern Bank of Georgia.

A bill to be entitled an act to incorporate a bank in the town of Greensborough, to be called the Bank of Greensborough.

A bill to be entitled an act to compensate the Grand Jurors of Baker county.

A bill to be entitled an act for the relief of Barnard Dugan of the county of Fulton.

A bill to be entitled an act to manumit a negro man named Boston, the property of certain persons therein named.

A bill to be entitled an act to empower the Judge of the Superior Courts of the Western Circuit to hold the Fall Term of the Superior Court of Jackson county two weeks in certain cases.

A bill to be entitled an act for the relief of William L. Strain of the county of Greene.

A bill to be entitled an act to confer upon charitable societies certain privileges, and to make them bodies corporate and politic.

A bill to be entitled an act for the relief of Harriet A. Boyd of the county of Cobb.

A bill to be entitled an act to authorise the Ordinary of the county of Taylor to pay over to James P. Ronan and William A. Graham certain sums of money therein specified.

A bill to be entitled an act to change the mode of executors, administrators and guardians in making their returns to Ordinaries.

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Talbot.

A bill to be entitled an act to change the time of meeting of the General Assembly of the State of Georgia from the first Monday in November to the first Wednesday in November.

A bill to be entitled an act to change the time of holding the Court of Ordinary of Screven county.

A bill to be entitled an act to prescribe the manner in which the names of persons may be changed, and persons born illegitimate may be made legitimate, and to carry into effect the provisions of the Constitution upon that subject, and also to prescribe the manner in which children may be adopted, and to provide for establishing, changing or abolishing election precincts, and for other purposes.

And they have also passed the following bills of the Senate, with amendments, to-wit:

A bill to be entitled an act to authorise the Justices of the Inferior Court of certain counties therein named, to levy an extra tax upon certain conditions; and for other purposes.

A bill to be entitled an act to incorporate a town to be called Warsaw.

A bill to be entitled an act to incorporate the city of Greensborough: to provide for its government, define its power, and for other purposes therein mentioned.

A bill to be entitled an act to prevent fraudulent surveys of land in the counties of Camden and Effingham.

A bill to be entitled an act to incorporate the Auriferous Hill Gold Mining Company.

A bill to be entitled an act to authorise William Strand; administrator de bonis non upon the estate of William H. Parker, late of said county, deceased, to settle with and pay off Sheffield H. Parker, one of the heirs-at-law of said estate, and to legalise the same.

A bill to be entitled an act to change the line of certain counties therein mentioned.

A bill to be entitled an act to explain and amend an act to regulate the mode of suing the bonds of executors, administrators and guardians, approved January 15th, 1852.

A bill to be entitled an act to lay out and organise a new Judicial Circuit out of the counties of Heard, Coweta, Campbell, Carroll, Haralson, Polk and Floyd; and for other purposes.

The House of Representatives have also concurred in the amendments of the Senate to the following bills of the House to-wit:

A bill to be entitled an act to amend the road laws of this State, so far as relates to the county of Coffee.

A bill to be entitled an act to amend the road laws of this State, so far as relates to the county of Glynn.

A bill to be entitled an act to authorise the Justices of the Inferior Court of the county of Gwinnett to levy an extra county tax to pay for the erection of a new court house in said county.

A bill to be entitled an act to amend the several acts of the General Assembly of the State of Georgia relating to the Savannah and Albany Rail-road Company; and the Savannah, Albany & Gulf Rail-road Company, approved respectively on the 25th day of Dec'r, 1847, the 20th day of Nov'r, 1851, and the 20th day of Nov'r, 1854; and to authorise the southern branch of said Savannah, Albany & Gulf Rail-road Company to cross the line of the Brunswick & Florida Rail-road Company.

And have concurred in part to the amendments of the Senate to the following bills of the House, to-wit:

A bill to be entitled an act to authorise Uriah Evans of Twiggs county, to peddle in the county of Twiggs, and others therein mentioned, without license.

A bill to be entitled an act to change the residence of Frederick Merit, Sr., from the county of Coffee to the county of Irwin, to change several other county lines therein named.

A bill to be entitled an act to add a part of originally Union county to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding.

And they have concurred in the following resolutions of the Senate, to-wit:

A resolution in relation to the establishment of a mail route from Americus to Eufaula, Ala., &c.

A resolution for establishing a naval depot at Brunswick.

A resolution in relation to John B. Beall, requesting our members in Congress to exert their influence in procuring a commission for him in the United States army.

A resolution requesting the Governor to furnish law books, &c., to certain officers.

A resolution in relation to the State of Vermont.

A resolution in relation to the Atlantic & Gulf Rail-road.

The Senate took up the special order, which was the report of the committee of the whole on a bill to authorise the Governor to call a Convention of the people of Georgia upon the happening of certain contingencies.

On motion the same was laid on the table for the present.

Mr. Lawton moved to suspend the rules for the purpose of reading a second time a bill of the House in relation to calling a Convention; also to take up a bill to incorporate the North Georgia Mining Company; whereupon the yeas and nays were required to be recorded and are yeas 45, nays 23.

Those voting in the affirmative are Messrs. Beall, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Cantrell, Chastain, Coffee, Cone of Bulloch, Cumming, Dixon,

Gray, Grant, Hale, Hamilton, Harris of Worth, Hays, Jamison, Jeter, Lawson of Burke, Lawton, Lott, Marshall, Matthews, McGuire, McMillan, Moore of Lincoln, Moreland, Morris, Murphy, Newton, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Renfroe, Rudisill, Sapp, Shropshire, Screven, Smith, Swinney, Ware, Whitaker and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Beasely, Calhoun, Cannon, Carlton, Crowder, Dunnagan, Dupree, Fambro, Hill, King, Knight, Maddux, McCrimmon, Murray, Ragan, Riley, Robinson, Scott, Turner, Wales and Wellborn.

So the motion prevailed.

And the Senate took up the following bills of the House, and read the same a second time, to-wit:

A bill to authorise the Governor to call a Convention upon certain contingencies therein specified, and made special order for to-morrow.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the North Georgia Mining Company. The report of the committee of the whole was agreed to; the bill was read the third time and passed.

Mr. Dixon moved to suspend the rules for the purpose of taking up a bill for the relief of John Rickenbacker, Margaret Zimmerman, formerly Margaret Rickenbacker, and others; which motion was lost.

The Senate took up the report of the committee of the whole on a bill to amend and enlarge an act entitled an act to ascertain, dispose of and appropriate the ungranted lands in the county of Chatham and to vest the same in certain charitable societies and for other purposes.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of William Searcy of the county of Talbot.

On motion the same was amended by adding the following as an additional section, to-wit:

And be it further enacted, That the estate of Peter T. Mahone be and the same is hereby discharged from the bill of exchange drawn in April, 1836, by William S. Harp, for \$2500, and discounted by the Central Bank, and also the interest thereon. The report of the committee of the whole as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to appoint commissioners with power to remove all obstructions for the free passage of fish in Kinchafoonee Creek, and to punish those who may attempt to defeat the same.

On motion the same was amended by adding the following as an additional section:

Provided, That said mill-dam does not interfere with any mill-dam that is now or may hereafter be built.

The report of the committee as amended was agreed to the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Mason Tiller of Lee county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to ratify the organization and election of the first regiment, first brigade, first division, Georgia Militia, and for other purposes therein mentioned.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Trustees of the Masonic Hall in the city of Savannah.

Mr. Dunnagan moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded and are yeas 19, nays 40.

Those voting in the affirmative are Messrs. Allred, Brown of Gwinnett, Buchanan, Carlton, Chastain, Cumming, Dunnagan, Hale, Hamilton, Harris of Worth, Hill, Jamison, King, Lott, Moore of Cobb, Murray, Shropshire, Wales and Ware.

Those voting in the negative are Messrs. Adams, Beall, Beasely, Brice, Brown of Baldwin, Cannon, Cantrell, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dupree, Grant, Jeter, Lawton, Maddux, Marshall, Matthews, McCrimmon, McMillan, Moore of Lincoln, Moreland, Murphy, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Ragan, Riley, Rudisill, Sapp, Simms, Screven, Swinney, Turner, Wellborn, Whitaker, White and Wingfield.

So the motion was lost.

Mr. Moreland moved to amend by adding the following, to-wit, which was agreed to:

That the officers of Emory Lodge of Free and Accepted Masons, No. one hundred and seventy (170) in the village of St. Cloud, Heard county, and Woodbury Lodge, No. 149, of Meriwether county be and they are hereby made a body corporate under the name and style above, with all the powers, rights and privileges usually conferred upon Lodges of Free Masons by acts of incorporation.

Mr. Rudisill moved to amend by adding the following, to-wit, which was agreed to:

That the provisions of this bill shall extend to Hamilton Lodge No. 58, A. Y. M., and that William Hodges and Mark

Newman and B. D. Evans and their associates and successors in office be and they are hereby constituted a Board of Trustees for the same. The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the several acts now of force in reference to the public printer.

On motion of Mr. Shropshire, the same was amended by striking out the second section.

The report of the committee as amended was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the sixth section of an act to incorporate the Bank of Savannah.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to cede to the United States jurisdiction over certain territory within the limits of the city of Savannah.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the admission in evidence of certified copies from the Executive Department and other offices connected therewith, to be used as evidence in any court of law or equity in these States.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise Rufus Barker of the county of Floyd to practice medicine in the county of Floyd, and to sue and collect for the same.

The report of the committee was agreed to, the bill was read the third time and lost.

Mr. Cannon from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to amend an act entitled an act to amend an act entitled an act to improve the navigation of Great Ogeechee river, so far as the appointment of new Commissioners are concerned, by adding certain persons herein named to the commissioners in said act mentioned, approved February 7th, 1854.

An act to provide for the preservation of the public records and for other purposes.

An act to amend the several rent laws of this State.

An act to submit the question of removal of the Court House of the county of Macon to the people thereof, and the

place of its location, and in case they elect to remove, to authorise the Justices of the Inferior Court to sell the Court House and property appertaining thereto, to negotiate for the site that may be elected, and lay an extra tax for the building a new Court House.

An act for the relief of Martha W. Clower of the county of Clarke, Harriet J. Danforth of the county of Wilkes, Mary Ann Barnett of the county of Baldwin, Anna Buckley, Harriet Seymour of the county of Paulding, Sarah Mann Tant and Eleanor Maloney of the county of Richmond, and Susan Price of the county of Wilkes.

An act to authorise the Justices of the Inferior Court of the county of Wayne, on the recommendation of the grand jury of said county to levy an extra tax to be applied to common school purposes, to appoint commissioners, and for other purposes therein specified.

An act to repeal the first section of an act entitled an act to grant exemptions to cavalry corps and for the formation of squadrons of cavalry, and to confer certain privileges upon the Baldwin Blues, approved January 22d, 1852; so far as relates to the county of Gordon.

An act to define the liabilities of the husbands for the debts of the wife, and to define the liability of property received through the wife, for the debts of the husband existing at the time of the marriage.

An act to extend the jurisdiction of Magistrate's Courts within the limits of the city of Augusta, to fifty dollars.

An act to prevent persons from throwing dead stock or other dead carcasses in Cotticay and Chattahoochee rivers, or timbers that would be likely to create drifts.

An act to appropriate money for repairing the State House and for other purposes.

An act to authorise the Inferior Court of the county of Laurens to levy an extra tax for pauper purposes.

An act to alter and amend the road laws in the county of Morgan.

An act to authorise the Governor to draw his warrant on the Treasury to the amount of one hundred and sixty dollars in favor of William S. Norman of the county of Liberty.

An act to authorise the Ordinaries of this State to issue fees for cost in certain cases.

An act to authorise the Judges of the Inferior Courts of the counties of Liberty and Bryan, to appoint a competent surveyor from their respective counties, to properly run out and clearly define the dividing line between said counties.

An act to authorise the Ordinary of Twiggs county to grant letters of guardianship to Daniel W. Shine.

Mr. Cone from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate,

An act explanatory of the second section of an act entitled an act to alter and amend an act for the more effectually securing the probate of wills, &c: approved 10th December 1812.

Also, an act to appoint commissioners of pilotage for the navigable waters of the port of Darien in the county of McIntosh.

Also, an act giving the election of County Treasurer of the counties therein named, to the legal voters of said counties.

Also, an act to allow Andrew J. Wooten of the county of Telfair, to peddle and vend goods in the counties of Telfair, Pulaski, Montgomery, Appling, Coffee, Lowndes and Irwin, free of license, and other persons therein named.

Also, an act to authorise the Justices of the Inferior Court in the counties of Fannin, Telfair, Walton and Clinch, to lay off said counties into school districts, to appoint trustees for the same; and to provide for the election of a Treasurer for each of said districts, and for other purposes therein mentioned.

Also, an act incorporating the town of Oxtord in the county of Newton, and for other purposes therein mentioned.

An act to give the election of the County Treasurer to the several counties therein named.

An act to authorise the Ordinaries of certain counties therein mentioned, to pay certain arrearages due teachers of poor children for certain years therein mentioned.

An act to incorporate Woodland Female College located in the town of Cedar Town, Georgia; and to confer upon said corporation certain powers therein named.

An act to exempt the active members of the Young America Fire Company from Jury and Militia duty, and to authorise Edmund Molyneux of the city of Savannah to hold and possess real estate.

Mr. Cone of the enrolling committee, reports as duly enrolled and ready for the signature of the President. to-wit:

An act to incorporate the Mount Vernon Methodist Camp-Ground in Whitfield county, and the Waresboro Camp Ground, and to appoint Trustees for the same, and for other purposes.

Mr. Moore from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate,

An act to prescribe the mode of taxing costs in the Supreme Court of this State.

An act to give endorsers control of fi fas in all cases in which he may have paid them against the principal or any prior endorser.

An act to incorporate Cotton Hill Male and Female Seminary.

An act to exempt Daniel and Lucinda his wife, the property of Harrison W. Riley, nominal slaves, from the tax now imposed on nominal slaves.

An act for the relief of Jesse J. Connel of Dooly county.

Mr. Cone from the committee of enrollment reports as duly enrolled and ready for the signature of the President, to-wit:

An act to define the time of holding the Superior Courts in the Brunswick Judicial Circuit, and for other purposes,

Also, an act to provide for the speedy trial of certain cases in courts of law and equity in this State, and for other purposes connected therewith.; also,

An act to permit practicing attorneys to hold the office and discharge the duties of Justices of the Peace in this State.

Also, an act to prevent and make penal the obstructions of any of the public roads of Troup county, by persons engaged in horse-racing; also,

An act to require the Ordinaries of this State to keep a book in which they shall record all letters testamentary, letters of administration. and letters of guardianship, and for other purposes.

Also, an act to provide for establishing lost or destroyed papers, and suing upon the same.

An act for the relief of John J. Morris and John C. Morris of the county of Clay, and for the relief of John McKeima of Richmond county.

An act to lay out and organise a new county from the counties of Union and Rabun, and for other purposes therein specified.

An act to compensate Grand and Petit Jurors for the county of Pickens, and to authorise the Justices of the Inferior Court to lay an extra tax for that purpose, and to extend the provisions of this act to other counties therein named.

An act to authorise the Sheriff to take new bail where the principal has been surrendered, in certain cases, and to make valid certain bail bonds taken heretofore.

An act to add the present residence of the Rev. H. T. Bussey to the county of Telfair.

An act for the relief of Henry A. Clemmons.

An act for the relief of James Henry Fannin of the county of Troup, a minor in the 21st year of his age.

An act for the relief of Mary Ann Lee of the county of Ware, and for other purposes therein mentioned.

An act to incorporate the Elberton Collegiate Institute, located at Elberton, and to amend the act incorporating the Snake Creek Academy in Gordon county, and for other purposes therein named.

The Senate took up the report of the committee of the

whole on a bill of the House of Representatives to incorporate the Fighting Town Mining Company.

Mr. Patterson of Gilmer moved to amend the same by adding the following additional sections, to-wit:

And be it further enacted, That from and after the passage of this act, George W. Wiley, Dr. Martin, John M. Wood, Edward M. Galt, Thomas H. Caloway, Jephtha Patterson, their associates and successors are hereby constituted a body politic and corporate by the name of First Mining Company of Savannah, for the purpose of exploring for gold, copper, coal, silver and other ores, metals, minerals and fossil substances; and for mining, working, smelting and vending the same, and for doing and performing all manner of things which they may deem necessary in the proper management of the affairs of said corporation, may erect all necessary buildings, apparatus and fixtures, may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, in all suits and actions, may have and use a common seal, and the same alter, renew or amend at pleasure, and may purchase, hold, mortgage, transfer and convey any real and personal estate.

Section 2d. The first meeting of said corporation may be called by the persons named in this act, or any four of them, at such time as they may determine, at Pierceville, Fannin county, Ga., and that at such meeting a Board of Directors shall be chosen from among the stockholders in said company by the vote of the majority present at such meeting, and such Board of Directors shall take charge of the operations of said Company, subject to such rules and regulations as may be adopted by the stockholders of said Company, said Directors shall hold office for one year, or until their successors are elected and qualified. In case of death or resignation, vacancy may be filled by a majority of those still in office, and may adopt such by-laws and regulations for the government of said company as may be deemed expedient and right, subject however to the concurrence of a majority of the stockholders in said Company, and not inconsistent with the Constitution and Laws of this State, and of the United States.

Sec. 3d. The Directors shall cause a book to be kept containing the names and place of residence of all the stockholders and amount of stock owned by each.

Sec. 4th. The capital stock of said Company shall not exceed one million of dollars, and said Company may divide said stock into such number of shares and in such manner and form as may be necessary and proper for the transfer thereof and furthermore, shall be entitled to all the rights and privileges, and subject to all the restrictions that are granted and imposed upon the North Georgia Mining Company, chartered at this term of the Legislature, and for all judic-

ial purposes shall keep an office in the county of Fannin in this State, in which county it shall be suable.

The report of the committee of the whole as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the South-Western Electro Magnetic Telegraph Company.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the message of the House in relation to a bill of the Senate to incorporate the city of Greensboro', to provide for its government, define its power, and for other purposes, and certain amendments to the same.

On motion of Mr. Cone of Greene the amendments of the House were concurred in.

The Senate took up the message of the House in relation to a bill of the Senate to lay out and organise a new Judicial Circuit out of the counties of Heard, Coweta, Campbell, Carroll, Haralson, Polk and Floyd, and for other purposes, and certain amendments to the same.

On motion the Senate concurred in the amendments of the House.

The Senate took up the message of the House in relation to a bill to explain and amend an act entitled an act to regulate the mode of suing the bonds of executors, administrators and guardians, approved Jan. 15th, 1852, and an amendment to the same.

On motion the amendment in relation to authorising the Governor to pay over the sum appropriated by an act, in regard to the Military Institute, was disagreed to.

On motion the Senate took up the message of the House in relation to a bill to incorporate a town to be called Warsaw, and an amendment to the same.

On motion the amendment was concurred in.

On motion the Senate took up the message of the House in relation to the bill to incorporate the Auriferous Hill Gold Mining Company, and an amendment to the same.

On motion the amendment was concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate to prevent fraudulent surveys of land in the counties of Camden or Effingham, and an amendment to the same.

On motion the amendment of the House was concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate to change the line of certain counties therein named, and an amendment to the same.

On motion the amendment was concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate to authorise the Justices of

the Inferior Court of certain counties herein named to levy an extra tax upon certain conditions, and for other purposes, and an amendment to the same.

On motion the amendment of the House was concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate to authorise William Stroud, administrator de bonis non upon the estate of William H. Parker late of Clarke county, deceased, to the settle with and pay off Sheffield H. Parker one of the heirs-at-law of said estate and to legalise the same.

On motion the amendment of the House was concurred in.

Mr. Simms offered the following resolution, to-wit :

Resolved, That both branches of the General Assembly will adjourn *sine die*, on Saturday the first day of March next.

Mr. Marshall moved to amend further by adding the following, to-wit : "Provided, the business before the General Assembly be disposed of by that time"; whereupon the yeas and nays were required to be recorded, and are yeas 39, nays 21.

Those voting in the affirmative are Messrs. Adams, Beall, Billups, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Cumming, Dixon, Griffin, Hamilton, Harris of Worth, Jamison, King, Knight, Landrum, Lawson of Burke, Lott, Marshall, McGuire, McIntosh, Murphy, Newton, Patterson of Jefferson, Pharr, Poole, Ragan, Riley, Robinson, Rudisill, Screven, Studstill, Wales and Whitaker.

Those voting in the negative are Messrs. Allred, Buchanan, Carlton, Causey, Fambro, Hale, Hill, Jeter, Lawton, McCrimmon, McMillan, Moreland, Murray, Patterson of Gilmer, Renfroe, Shropshire, Simms, Scott, Swinney, Turner and Wellborn.

So the motion was agreed to and the resolution was amended.

Mr. Simms moved to postpone the resolution, as amended, indefinitely, which was agreed to.

Mr. Lawton offered the following resolution, which was taken up read and agreed to, to-wit :

Resolved, That the Secretary and Assistant Secretary be allowed fifteen days after the adjournment of the General Assembly, and file away bills, reports, resolutions and other papers belonging to this and the previous sessions of the Senate, and to bring up the unfinished business of the Senate.

Mr. Dunnagan of Hall asked leave to have the following protest entered on the Journals, which was agreed to.

The undersigned being deprived of speaking by the call

of the previous question, ask leave to enter their protest upon the Journals of the Senate, against the partial and unjust provisions of the bill to incorporate the Atlantic, Gulf Railroad for the reasons herein set forth, to-wit :

It appropriates all the money in the Treasury, not otherwise appropriated, and all the nett earnings of the State Road with the definite subscription of State Bonds by the Governor of one million of dollars and an uncertain and indefinite amount to more than another million, and yet notwithstanding these high favors, their property is only nominally taxed, while the taxes of every portion of the State and upon every species of property must be continued to support this favorite company to the exclusion of all others, when the people had a just right to except that their taxes would be lightened by the earnings of the State Road, as all the people has onerously contributed to build that road, which was built for the benefit of all portions of the State, but especially for the cotton growing region.

A brief recurrence to the history of the origin of railroads in this State, will warrant the undersigned in their conclusions. The State had granted a charter of exclusive privilege to the Georgia Rail-road Company to the Tennessee line, South Carolina was attempting to unite the Mississippi valley by running a road by the Warren Springs to Cincinnati.

Georgia being anxious to divert the route through her own soil, met in Convention at Macon, and concocted a plan of rail-roads by which the Georgia Rail-road Company was to give up her charter west of the east bank of the Chattahoochee and the State was to build a road from this point to the Tennessee line. This was a reconciliatory measure, which was endorsed by legislative enactment, intending though to form a central chain of roads though the centre of the State, by which to afford a convenient opportunity for every section of the State to connect with this central chain ; and now, forsooth, we are told that the great State work through Cherokee Georgia is only conferring sectional benefits, and that therefore the State must aid, at the expense of millions, to build a road from Atlantic to the Chattahoochee below Fort Gains, which never can be a paying road, and therefore the money expended by the State will never return again to the people. These and other considerations induce the undersigned to enter their solemn protest against the passage of the bill.

JOSEPH DUNNAGAN,

GARRETT GRAY,

LEMUEL J. ALLRED.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate a Bank in the city of Columbus to be called the Bank of Columbus, and for other purposes therein named.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the message of the House in relation to a bill of the House to authorise Uriah Evans of Twiggs county to peddle in the county of Twiggs, to which the Senate offered an amendment which was not concurred in by House, and to which the Senate disagreed.

On motion the Senate receded from its disagreement.

On motion the Senate took up the message of the House in relation to a bill of the Senate to change the residence of Frederick Merit, Sen'r., from the county of Coffee to the county of Irwin, and certain disagreements to amendments to the same.

On motion the Senate receded from its disagreement in relation to the land and residence of Zacheus Brown of Emanuel county.

On motion of Mr. Hamilton the Senate adhered to its disagreement to the amendment of the House, in relation to adding certain lots of land from Dooly county to Houston county.

On motion of Mr. Knight the following committee of conference was appointed to join a similar committee of the House, in relation to their disagreement, to-wit: Messrs. Knight, Hamilton and Harris of Worth.

The Senate took up the message of the House in relation to a bill of the Senate to incorporate the North-Eastern Railroad Company, and certain amendments to the same.

On motion the amendments were concurred in.

On motion the Senate took up the message of the House in relation to a bill to add a part of originally Union county to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding, and certain amendments to the same.

On motion of Mr. Jeter the Senate receded from its disagreement to the same.

Messrs. Harris of Taliaferro and Long were granted leave of absence on account of indisposition.

On motion Messrs. Simms, Crowder, McIntosh and Bil-lups were added to the committee on Enrollment.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the Senate took up the following bills of the House of Representatives, and read the same a first time, to-wit:

A bill to amend the several acts passed by the General Assembly, and changing the charter of the city of Atlanta.

A bill to define the jurisdiction of Courts of Ordinary in this State.

A bill for the relief of Wm. G. Booth and Philip H. De-lane teachers of poor children in Marion county in 1851.

A bill to compel the payment of legal tax imposed on agencies of foreign Banks.

A bill to require the Ordinary of Marion county to pay Littleberry Morgan a certain sum of money for teaching poor children in 1852.

A bill to provide for a geological and mineralogical survey of the State with a view to develop the agriculture and mining interest of the State.

A bill for the relief of Augustus C. Jones.

A bill to lay out a Turn Pike road of suitable width and grade, from the Union county line above the residence of Alfred Parks.

A bill for the relief of James O. Hunt.

A bill to authorise the Governor to draw his warrant upon the Treasury for the relief of Copeland Harris & Co.

On motion the Senate took up the following bills of the House, and read the same a second time, to-wit:

A bill to legalise the acts of the City Council of Columbus.

A bill to incorporate the town of Lexington.

A bill relative to the re-survey of the 6th district of Habersham county.

A bill to give certain privileges to the Justices of the Inferior Court of Harris.

A bill to add an additional section of the Penal Code of the State of Georgia.

A bill to provide compensation for the commissioned officers, non-commissioned officers, &c.

A bill to abolish the Land Courts in the several counties where lands are taken up on Head Rights, &c.

A bill to determine what shall be sufficient allegations in indictment, &c.

A bill to amend the 12th section of the 2d article of the Constitution of Georgia.

A bill to provide for the removal of free negroes from this State.

A bill for the relief of James Sullivan, Tax Collector of Union county.

A bill for the relief of Hardy Smith of Laurens.

A bill to appoint a commissioner to audit the claim of John H. Howard against the State.

A bill to more effectually carry into effect the thirteenth section of the 4th article of the Constitution of this State, &c.

A bill for the relief of John W. Carlton of the county of Fulton.

A bill to incorporate the Hancock Internal Improvement and Banking Company, &c.

A bill for the promotion of education.

A bill to alter, change, and amend the 2d section of an act entitled an act to regulate the advertising of Clerks, Sheriffs, &c.

A bill to incorporate the Walton Female College.

A bill to incorporate Concordia Lodge No. 45 of Independent Odd Fellows of Irwinton.

A bill to appropriate a sum of money to erect a monument in honor of Andrew J. Miller, deceased.

A bill to confer certain powers on Henry Davenport and James Knott of Clarke county.

A bill to add an additional section to the 4th division of the Penal Code of this State.

A bill to provide for the sale of insolvent tax executions in this State.

A bill to authorise the Ordinary of DeKalb to pay Winston H. Cash the sum of thirty-one dollars for certain purposes.

A bill to enlarge the boundary of LaGrange, and for other purposes.

A bill to simplify the operations of the Treasury, &c.

A bill to appropriate money to remunerate William Wills, and others, for capturing Francis M. Collins a fugitive from justice.

A bill for the relief of Jno. A. Jones of Polk.

A bill to alter and amend the several acts prescribing the manner of compensating Grand and Petit Jurors of Lumpkin.

A bill to explain and supplementary to an act entitled an act to authorise the Inferior Court of Washington county to levy and collect an extra tax, &c.

A bill to incorporate the Columbia Mining Company.

A bill to incorporate the Macon and Warrenton Rail-road Company.

A bill to change the line between Newton and Jasper.

A bill to indemnify Otho P. Beall for the loss of a lot of land granted a second time.

A bill to appropriate money for the use of the Southern Central Agricultural Society.

A bill for the relief of John Usry of Warren county.

A bill to remit the State tax to the amount of one hundred dollars of Solomon Page of Lee county, assessed by mistake of the Tax Receiver of that county.

A bill to give further time for holding the Superior Courts of Sumter, and other counties.

A bill for the relief of Jackson Tyner.

A bill to authorise the Justice Courts to establish lost papers to the amount of their jurisdiction, &c.

A bill to authorise the Bank of the State of Georgia to establish a Branch Bank in the city of Rome.

A bill to appropriate money for the several purposes herein named.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Macon Savings Bank; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Archer Greffeth of Oglethorpe county, and to authorise him to pay taxes in Oglethorpe county upon property owned by him in Madison county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to prevent the throwing of timber or dead stock in Holly Creek in Murray county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to prevent the felling of timber or otherwise obstructing Mountain Town Creek, so as to cause drifts; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the consolidation of the stocks of the Atlanta and Lagrange Railroad company and the West Point and Tennessee Railroad Company; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to provide for the survey of the sixth district of Habersham county.

Mr. Ware moved to amend by adding; provided their expenses are paid out of the county funds.

Mr. Shropshire moved to postpone the same indefinitely. Whereupon the yeas and nays were required to be recorded and are yeas 42, nays 18.

Those voting in the affirmative are Messrs. Adams, Allred, Beall, Billups, Brice, Buchanan, Chastain, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dunnagan, Dupree, Fambro, Gray, Guerri, Hale, Hamilton, Harris of Worth, Hill, Jeter, Maddux, Marshall, McCrimmon, McIntosh, Moore of Lincoln, Moreland, Murphy, Patterson of Jefferson, Pharr, Ragan, Renfro, Riley, Robinson, Rudisill, Sapp, Shropshire, Smith, Studstill, Turner, Ware and Whitaker.

Those voting in the negative are Messrs. Calhoun, Cannon,

Cantrell, Carlton, Coffee, Griffin, Jamison, Knight, Landrum, Matthews, McMillan, Patterson of Gilmer, Poole, Simms, Scott, Screven, Wales and White.

So the motion to postpone prevailed.

The Senate took up the report of the committee of the whole on a bill of the House to authorize and provide for the union and consolidation of the Muscogee Railroad company with the South-Western Railroad company, under the charter of the latter company; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the laws of this State relative to imprisonment for debt; the report of the committee was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to authorise certain persons therein named to clear out and improve the navigation of the Chattahoochee River above the Western & Atlantic Railroad; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House, to amend the eleventh section of the Judiciary act of 1799; the report of the committee was disagreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on a bill of the House to consolidate the offices of tax receiver and tax collector of the county of Worth; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend an act to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts. approved December 14th 1811.

The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Susan Murray of the county of Charlton; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Wade H. Wakefield & Co. of Clay county.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Edward Stanfield of Henry county.

On motion the same was amended by inserting after the word 'Henry' the word 'Fayette.'

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate Salt Springs Academy in Campbell county, and to appoint trustees for same; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to alter and amend an act to compel the Judges of the Superior Courts of this State to convene at Milledgeville for the purpose of establishing uniform rules of practice, passed 21st Dec., 1821.

The report of the committee was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the town of Jefferson in the county of Camden.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to provide a remedy for mechanics and masons, and to give efficiency to the lien now allowed by law; the report was agreed to, the bill was read third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House to change the time of service in relation to subpoenas issuing from Justices Courts to compel discoveries at common law.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the Justices of the Inferior Court of Charlton county to examine and allow to the tax Collector of said county their insolvent list.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to appropriate money for the benefit of the Georgia Asylum for the Deaf and Dumb, and for other purposes.

Mr. Shropshire moved to strike out the words 'six thousand dollars,' which was lost.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Rome Foundry and machine company; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on a bill of the House to incorporate the Goshen mining company.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the Governor and Comptroller General to correct mistakes of Receivers and Collectors of tax, or of any tax payer, whereby more money is paid into the treasury than is required by law, to refund the same; the report of the committee was agreed to, the bill was read third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the county lines between Cass and Gordon, and between Gordon and Murray, and other counties therein named.

On motion all in relation to changing the lines between Gordon and Murray, the whole of the second section, all in relation to changing the lines between Cobb and Paulding, and all in relation to changing the lines between Lowndes and Berrien, and all in relation to Habersham county, was struck out.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend the third section of an act entitled an act to amend the several acts relating to the Court of Common Pleas, and of Oyer and Terminer of the city of Savannah, and for other purposes, approved Dec. 7th, 1853; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend an act entitled an act to incorporate a company in the county of Columbia and State of Georgia, to be known by the name and style of the Columbia mining company, and to grant certain privileges thereto; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend an act to incorporate the Ogeechee Plank Road Company, and for other purposes therein named, approved January 22d, 1852.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Joseph Landrum of Oglethorpe county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to extend the provisions of an act to amend the several acts now in force regulating the fees of magistrates

and constables in the State of Georgia, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for the mode of collecting the same, approved Jan. 22d 1852, to the county of Fulton; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the American mining company; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize the Inferior Court of Effingham county to order the payment of the superintendent, clerks and those who consolidate the returns of the elections of said county for their services; the report of the committee was agreed to the bill was read the third time and passed.

The Senate took up the report of the committee of the whole for the relief of James Rountree of the county of Fulton, and James Suggs of the county of Randolph; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise Thomas R. Gibbs, an infirm man, to peddle without paying for license; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise Ransom Rogers, Sen., of the county of Scriven to practice medicine and charge therefor.

On motion of Mr. Fambro the same was amended by adding the following, to-wit :

That Claiborn H. Jones of Upson be and he is hereby authorized to practice medicine in said county, and collect for services so rendered.

The report of the committee was agreed to, the bill was read the third time, and upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 30, nays 29.

Those voting in the affirmative are Messrs. Atkinson, Brice Brown of Gwinnett, Cannon, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Fambro, Hale, Hill, Jamison, Knight, Lawton, Moore of Cobb, Moore of Lincoln, Morris, Newton, Patterson of Gilmer, Patterson of Jefferson, Riley, Robinson, Roddenberry, Shropshire, Studstill, Wellborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Adams, Bilups, Buchanan, Calhoun, Cantrell, Dunnagan, Dupree,

Gray, Grant, Guerry, Hamilton, Harris of Worth, Jeter, Maddux, McCrimmon, McGuire, McIntosh, Moreland Murphy, Pharr, Ragan, Renfro, Rudisill, Simms, Scott, Screven, Turner, Wales, and Ware.

So the bill was passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the treasurer to pay over to the Ordinary of Chattahoochee county the poor school fund.

On motion of Mr. Jamison the same was amended by adding an additional section, to-wit :

"That John S. Fain former Ordinary of the county of Union, be and he is hereby authorised and required to retain in his hands the pro rata share of the poor school fund of said county of Union, for the year 1855, and to pay the same over to the Ordinary of the county of Towns when elected and qualified, &c."

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to change the time of holding the Superior and Inferior Courts of Sumter county.

On motion the same was amended by adding the following to-wit :

That the time for holding the Inferior Court of Butts county, shall be on the first Mondays in March and September.

And that the Inferior Court shall be changed from the second Mondays in March and September, to the last Monday in February and 4th Monday in August in each and every year.

The Senate took up the report of the committee of the whole on a bill of the House to amend the seventh section of the act incorporating the city of Dalton in county of Whitfield, assented to on the 28th Dec. 1853, &c.

Mr. Welborn moved to amend by striking out the word 'Marshall' wherever it occurs in the bill, which was agreed to.

On motion of Mr. Welborn the same was amended by adding two additional sections in relation to licenses in the city of Dalton, and the punishment of the violation of the provisions of the act.

On motion of Mr. Cannon the same was further amended by adding additional sections in relation to Cartersville, Cass county.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until 9 o'clock to-morrow morning.

FRIDAY, FEBRUARY 29th, 1856.

The Senate met pursuant to adjournment.

Mr. Dunnagan moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill to provide for the survey of the sixth district of Habersham county, which was agreed to.

Mr. Harris of Worth moved to reconsider so much of the journal of yesterday as relates to the action of the Senate on a bill of the House to authorise Ransom Rogers to practice medicine and charge therefor.

Whereupon the yeas and nays were required to be recorded, and are yeas 14, nays 52.

Those voting in the affirmative are Messrs. Adams, Dupree, Griffin, Hamilton, Harris of Worth, Jeter, Landrum, Moreland, Murray, Ragan, Rudisill, Simms, Swinney and Wales.

Those voting in the negative are Messrs. Allred, Atkinson, Beall, Brice, Brown of Baldwin, Brown of Gwinnett, Calhoun, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dunnagan, Fambro, Gray, Hale, Hill, Jamison, King, Knight, Lawton, Maddux, Marshall, Matthews, McGuire, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Renfro, Riley, Robinson, Sapp, Shropshire, Scott, Screven, Smith, Studstill, Turner, Ware Wellborn, Whitaker, and White.

So the motion was lost.

The Senate took up the report of the committee of the whole on the reconsidered bill to provide for the survey of the sixth district of Habersham county.

Mr. Ware moved to amend by adding the following:

And be it further enacted. That provided the expense of the same be paid by the county, which was lost.

Mr. Riley moved to amend by adding, and that the provisions of this act so far as applicable be extended to Taylor county, which was lost.

Mr. Murphy moved to amend by adding the following:

That the sum of \$300, or so much thereof as shall be necessary, be appropriated to survey that part of the 18th district of originally Henry now DeKalb county, which has never been surveyed, and that the survey be made under the directions of the Inferior Court of DeKalb county, as provided by this act for the county of Habersham. Whereupon the yeas and nays were required to be recorded, and are yeas 33, nays 26.

Those voting in the affirmative are Messrs. Atkinson, Beall, Brown of Gwinnett, Buchanan, Calhoun, Cone of Bulloch, Dixon, Dupree, Fambro, Gray, Jamison, King, Landrum, Maddux, McCrimmon, Moreland, Murphy, Mur-

ray, Pharr, Riley, Robinson, Rudisill, Shropshire, Simms, Scott, Screven, Smith, Studstill, Swinney, Turner, Ware Whitaker and Wingfield.

'Those voting in the negative are Messrs. Adams, Allred, Brice, Cannon, Cantrell, Chastain, Coffee, Crowder, Dunnagan, Griffin, Hale, Hamilton, Harris of Worth, Hill, Jeter, Knight, Lawton, McMillan, Morris, Patterson of Gilmer, Patterson of Jefferson, Poole, Ragan, Sapp, Wales, and Wellborn.

So the motion prevailed.

The report of the committee as amended was agreed to, the bill was read the third time and lost.

On motion the Senate went into committee of the whole, Mr. Lawton in the chair, on the bill to appropriate money for the several purposes therein mentioned, and having consumed some time in consideration thereon, the committee rose and reported the bill back to the Senate with amendments.

On motion the report was taken up.

On motion of Mr. McMillan the second section was amended by adding the following, to-wit :

And the further sum of five hundred dollars for each of the years 1856 and 1857, to the State Librarian.

Mr. Allred moved to strike out so much of the bill as relates to appropriating money to the Penitentiary.

Whereupon the yeas and nays were required to be recorded, and are yeas 14 nays 45.

Those voting in the affirmative are Messrs. Allred, Buchanan, Calhoun, Cannon, Fambro, Griffin, Hale, Hill, Landrum, McGuire, Patterson of Jefferson, Pharr, Shropshire, and Whitaker.

Those voting in the negative are Messrs. Adams, Atkinson, Beall, Brice, Brown of Baldwin, Brown of Gwinnett, Cantrell, Chastain, Coffee, Cone of Greene, Crowder, Cumming, Dixon, Dunnagan, Dupree, Gray, Harris of Worth, Jamison, Jeter, King, Knight, Maddux, Marshall, McCrimmon, McMillan, Moore of Cobb, Moore of Lincoln, Moreland, Morris, Murray, Patterson of Gilmer, Poole, Ragan, Renfroe, Riley, Robinson, Rudisill, Sapp, Simms, Scott, Screven Smith, Swinney Turner, Wales, Welborn and Wingfield.

So the motion was lost.

Mr. Poole moved further to amend by adding the following, to-wit :

That the Tax Collector of Hart County, be and he is hereby authorised and required to pay over to the Justices of the Inferior Court of said county, the sum of four hundred dollars out of the State Tax collected in said county, to reimburse said Justices for money paid for council fees in defend-

ing themselves against them in the name of the State, which motion was lost.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

On motion the Senate took up the message of the House in relation to a bill of the Senate to add lots of land numbers 117 and 118, in the 6th district of Irwin county, to the county of Worth, and the amendments of the House to which the Senate have disagreed.

On motion the Senate adhered to its disagreement, and on motion the President appointed the following committee of conference, to-wit:

Messrs. Renfroe, Knight and Harris of Worth.

On motion the Senate took up the message of the House in relation to a bill of the Senate to alter and amend the first section of the third article of the constitution of this State, and amendments to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House to authorise D. J. J. M. Goss to practice medicine on the eclectic system, and amendments to the same to which the Senate disagreed, and upon which the House insists.

On motion the Senate insisted on its disagreement to the amendments of the House.

On motion the Senate took up the message of the House in relation to the bill of the House to remove the Penitentiary of this State, and to appropriate money for the same, and the amendment of the Senate to which the House added an additional amendment.

On motion the Senate disagreed to the amendment of the House.

On motion the Senate took up the message of the House in relation to a bill of the Senate to incorporate the Welaka Steamboat company, and amendments to the same.

On motion the Senate concurred in the amendments of the House

On motion the Senate took up the message of the House in relation to a bill of the House to legalize certain processes in Monroe county, and amendments to the same.

On motion the Senate concurred in the amendments of the House.

On motion the Senate took up the message of the House in relation to a bill of the Senate to incorporate Cartersville Lodge and Oak Bowery Lodge No. 81 of Free and accepted Masons, and an amendment to the same.

On motion the Senate concurred in the amendment of the House.

On motion the Senate took up the message of the House in relation to a bill to incorporate a bank in the town of

Madison, to be called the 'Bank of Madison,' and an amendment to the same.

On motion the Senate concurred in the amendments of the House.

On motion the Senate took up the message of the House in relation to a bill of the Senate to authorize the Inferior Court of Glynn county to have copies of the original records transcribed, and to legalize the same, and amendments to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate for the relief of Robert G. Ford of the county of Worth, and an amendment to the same.

On motion the Senate concurred in the amendments of the House.

On motion the Senate took up the message of the House in relation to a bill of the Senate for the relief of certain persons therein named, and an amendment to the same.

On motion the amendments of the Senate were concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate to authorise William B. Wofford to build and keep a mill dam across the Conasauga river on his own land in the county of Murray, and certain amendments to the same.

On motion the Senate concurred in the amendments of the House.

On motion the Senate adjourned until half-past two o'clock. P. M.

HALF PAST TWO O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the regular order of the which was the consideration of the report of the committee of the whole on a bill of the House to give any company a right to construct a bridge across the Chattahoochee rivers in the counties of Fulton and Cobb, on the old pier upon which the Western and Atlantic Railroad was built, which may be incorporated by the Inferior Courts of said counties, or either of said counties, or either of them on certain conditions; the report of the committee was agreed to the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate Island Creek Academy in the county of Hancock.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to give any company a right to construct a bridge across the Chattahoochee river in the counties of Fulton and Cobb, on the old piers upon which the Western & Atlantic Railroad was built, which may be incorporated by the Inferior Courts of said county, or either of them, on certain conditions.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the special order, which was the consideration of the report of the committee of the whole on a bill of the Senate in relation to the calling a convention of the people of the State of Georgia.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the Governor to call a convention upon certain contingencies.

Mr. Lawton moved the previous question, which being seconded the main question was ordered to be put and was decided in the affirmative, and the report of the committee was agreed to, the bill was read the third time and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 49, nays 20.

Those voting in the affirmative are Messrs. Adams, Atkinson, Beall, Billups, Brice, Brown of Baldwin, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Coffee, Cone of Bulloch, Cone of Greene, Cumming, Gray, Grant, Griffin, Hale, Hamilton, Harris of Worth, Hill, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Lawton, Long, Lott, Maddux, McCrimmon, McGuire, McIntosh, McMillan, Moore of Cobb, Moreland, Morris, Newton, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Renfro, Robinson, Rudisill, Shropshire, Simms, Screven, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Calhoun, Chestain, Crowder, Dixon, Dunnagan, Dupree, Fambro, King, Marshall, Moore of Lincoln, Murphy, Murray, Ragan, Riley, Studstill, Swiney, Turner, Wales, Ware and Wellborn.

So the bill was passed.

Mr. Cannon from the committee on enrollment reported as duly enrolled signed by the Speaker of the House of Representatives and ready for the President of the Senate,

An act to appropriate money to erect a necessary building for the accommodation of the pupils at the Institute for the Blind, located in the city of Macon.

An act to authorise the Justices of the Inferior Court of the

county of Gwinnett to levy an extra tax to pay for the erection of a new Court House in said county.

An act to authorise the admission in evidence of certified copies from the Executive Department, and other officers connected there to be used as evidence in any court of law or equity in this State.

An act to amend the sixth section of an act to incorporate the bank of Savannah.

An act to cede to the United States jurisdiction over certain territory within the limits of Savannah.

An act to incorporate Summersville Academy in Emanuel county.

An act to alter and amend an act incorporating the Lumpkin county manufacturing company, assented to December 24th, 1840.

An act to incorporate the United Riflemen of the city Columbus, and also the Richmond Huzzars of Richmond county.

An act to amend the road laws of this State, so far as relates to the county of Coffee,

An act to refund to E. R. Alberti a non resident tax payer of the county of Camden a certain amount of money.

An act to authorise the Inferior Court of Houston county, to levy an extra tax for the years 1856 and 1857, for the purposes therein named, upon the conditions therein specified.

An act to incorporate Ladies German Benevolent Society of Savannah.

An act to authorise the Mayor and Council of the city of Columbus to return certain bonds by them executed and delivered, and to execute and deliver bonds in lieu thereof.

An act to reduce the Sheriffs bond of the county of Coffee, to the sum of eight thousand dollars.

An act to reduce the bonds of the Sheriffs hereafter to be elected in county of Hart from the sum of twenty thousand and dollars to the sum of ten thousand dollars.

An act amendatory of an act in incorporating the Muscogee rail road company so far as regards the qualifications and election of Directors thereof.

An act to alter an act entitled an act to extend the civil jurisdiction of the Justices of the Peace in the city of Savannah and for other purposes, assented to 17th Feb. 1854.

An act to incorporate the Augusta Savings Bank.

An act to incorporate Hopewell Academy in the county of Fayette and appoint trustees for the same.

An act to provide a correct registry of deaths occurring in the city of Savannah, and of interments in said city, and its vicinity and for other purposes.

An act for the relief of John Huie of the county of Fayette.

An act for the relief of Mason Tiller of the county of Lec.

An act to amend the several acts of the General Assembly of the State of Georgia relating to the Savannah and Albany Railroad company, and the Savannah, Albany and Gulf Railroad company, approved respectively on the 26th day of December 1847, the 20th day of November 1851. and the 20th day of February 1854, and to authorise the Southern branch of said Savannah, Albany and Gulf Railroad company to cross the line of the Brunswick and Florida Railroad company.

An act to authorise the building, opening and constructing of a Railroad from some point in the county of Union, or in the county of Fannin, which may be agreed upon by the directors of said railroad, or a majority of them, hereinafter mentioned, running up the valley of the Little Hightower river in the county of Union, to connect with the North Eastern Railroad [now contemplated] in the county of Habersham or Rabun, or with some other Railroad or contemplated Railroad. and to grant corporate powers and privileges to the same.

Also, a resolution in relation to the death of Thomas E. Beall, a Representative from Columbia county.

Mr. Cone of the enrolling committee reports the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act to incorporate the Athens Gas-light Company.

Also an act to prohibit the the payment of storage on Cotton in this State, by farmers after selling from their waggons.

Also an act to empower the Judge of the Superior Courts of the Western Circuit to hold the fall term of the Superior Court of Jackson county two weeks in certain cases.

Also, an act to manumit a negro slave named Boston, property of E. B. Way, Catherine P. Wheeler, Thomas B. Wheeler, R. R. Wheeler and Eugene Bacon of the State of Georgia and county of Liberty, and John Savage of the county of Chatham and State aforesaid.

Also, an act to authorise the Justices of the Inferior Court of certain counties therein named, to levy an extra upon certain conditions, and for other purposes.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate New Lebanon Presbyterian Church in Franklin county, and for other purposes.

On motion the same was postponed indefinitely.

On motion the Senate took up the message of the House in relation to a bill to facilitate and expedite the collection of debts due by corporations, joint stock companies and associations, in cases when the stockholders and members are liable for the same, and an amendment to the same,

On motion the Senate concurred in the amendments of the House.

On motion the Senate took up the message of the House for the relief of certain persons therein named, and an amendment to the same.

On motion the amendments of the House were concurred in.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Russelville Methodist Camp Ground.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to explain and supplementary to an act entitled an act to authorise the Inferior Court of the county of Washington to levy and collect an extra tax for the purpose of build a Court House and jail, assented to Dec. 22d, 1855.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend an act entitled an act to incorporate a company in the county of Columbia, State of Georgia, to be known by the name and style of the Columbia mining company, and to grant certain privileges thereto, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to compel all incorporated mining companies of this State, to give in and pay taxes on their stock in the counties where the mines are located.

The report of the committee of the whole was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to ratify the incorporation of the Atlanta Loan and Building Association, and to legalize the acts thereof; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to appoint trustees for Hall county academy; the report was agreed to, the bill was read the time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the town of Fort Valley in Houston county, and to provide for the election of commissioners for the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate Salem Camp Ground in Newton county.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill of the House to punish any person or persons obstructing Bull Creek in Tattnall county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to provide for the selection of Grand and Petit Jurors in certain cases.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to give further time for holding the Superior Courts of Sumter, Lee, Dougherty and Baker counties; the report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to incorporate Fredonia academy in the county of Baker.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on the bill of the House to allow practicing attorneys to serve as Justices of the Peace in Burke county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to incorporate Montgomery Camp Ground in the county of Montgomery.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the Inferior Court of Gwinnett county to pay the Sheriff of said county for summoning Jurors, and waiting upon the Courts, and for other purposes.

On motion the same was amended by adding the following:

Be it further enacted, That an act approved January 22d, 1852, to compensate the Grand and Petit Jurors of the county of Union, be and the same is hereby repealed.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Atlanta Male College, and to appoint trustees for the same; the report of the committee was agreed to. the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the board of commissioners of Public Bonds of the county of Bryan, to transact and carry on and transact business under certain circumstances.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the time of holding the Superior and Inferior Courts in the county of Carroll.

On motion the same was amended by striking out the first section.

Mr. Harris of Worth moved to amend by adding the following, to-wit:

That the time for holding the Superior Courts in the Middle Circuit shall be as follows In Columbia on the 3d Monday in March and the 2d Monday in September of the present year, and on the 2d Monday in March and September in each year thereafter; in Washington on the 4th Monday in March and the 3d Monday in September of the present year, and on the 3rd Monday in September and March in each year thereafter; in Richmond on the 3rd Monday in October next, and the 3rd Monday in April and October in each year thereafter.

The report of the committee of the whole, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the time of holding the Inferior Courts of the county of Catoosa.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal the 7th section of an act entitled an act to amend the Road and Patrol Laws of this State, so far as relates to the county of Effingham, assented to 9th December, 1843; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of Osborne J. Register of Fulton county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Cherokee Georgia Baptist Convention, to confer upon said corporation certain powers therein named, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took the report of the committee of the whole on a bill to incorporate the Look Out Rail-road Company, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Methodist Episcopal Church at New Hope, Bulloch county, and to appoint Trustees for

the same. The report was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to incorporate the Moecasin Turn Pike Company in the county of Rabun, and to grant certain privileges to the same; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to allow any joint tenant in common or other person having a part interest in lands or tenements to maintain a separate action of Ejectment or Trespass, and for other purposes.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to give to defendants damages for frivolous suits against them.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to appropriate money for the payment of the claim of Thomas E. Patton, assignee of Thomas E. Brice; the report was agreed to; the bill was read third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House for the relief of Osborne J. Register of Fulton county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to charter the Exchange Bank of the State of Georgia at Griffin.

Mr. Cone of Greene moved to amend the 14th section by inserting the words, 'for the entire indebtedness of the corporation' after the word 'stock,' which was agreed to.

On motion of Mr. Cone of Greene the 15th section was amended by adding the following, 'and said Bank shall in all cases be bound by the acts of its authorised agents.'

Mr. Cone moved to strike out the 16th section, whereupon the yeas and nays were required to be recorded and are yeas 30. nays 27.

Those voting in the affirmative are Messrs. Allred, Beall, Brice, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Cone of Greene, Dunnagan, Grant, Griffin, Hill, Jeter, Maddux, Moreland, Morris, Murray, Patterson of Jefferson, Poole, Ragan, Robinson, Sapp, Shropshire, Simms, Scott, Screven, Studstill and Swinney.

Those voting in the negative are Messrs. Adams, Atkinson, Brown of Baldwin, Calhoun, Coffee, Crowder, Dixon, Dupree, Fambro, Gray, Hale, Jamison, King, Knight,

Lawton, Long, McCrimmon, McMillan, Moore of Cobb, Moore of Lincoln, Murphy, Renfroe, Rudisill, Turner, Wales and Whitaker.

So the motion prevailed.

On motion of Mr. Cone of Greene the following was added as an additional section, to-wit :

"It shall be the duty of the President and Cashier within six months after said Bank goes into operation, to make out a statement of the condition of said Bank, and a list of its Stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said Bank, and the character of said indebtedness which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers printed in Griffin, for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for 20 days, shall cause a forfeiture of all the rights and privileges granted by this act."

The report of the committee as amended was agreed to, the bill was read the third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 42, nays 15.

Those voting in the affirmative are Messrs. Adams, Atkinson, Billups, Brice, Brown of Baldwin, Buchanan, Calhoun, Cannon, Coffee, Cone of Greene, Crowder, Dixon, Dupree, Fambro, Griffin, Hale, Jamison, Jeter, Knight, Landrum, Lawson of Burke, Long, Maddux, Marshall, McGuire, McIntosh, Moore of Cobb, Moore of Lincoln, Murphy, Murray, Poole, Ragan, Rudisill, Simms, Scott, Screven, Swinney, Turner, Wales, Ware, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Beall, Brown of Gwinnett, Cantrell, Cone of Bulloch, Dunnagan, Gray, Grant, Harris of Worth, King, Lawton, McCrimmon, Moreland, Patterson of Jefferson and Shropshire.

So the bill was passed.

The Senate took up the report of the committee of the whole on the bill of the House to change the line between the counties of Heard and Troup. The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole the bill of the House to incorporate the 'Needles Woman's Female Society' in the city of Savannah.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole the bill of the House to change the January and October elections in this State from the first Monday in January and October, to the first Wednesday in January and Oc-

tober. The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole the bill of the House to amend the several acts in force regulating the fees of Magistrates and Constables in this State, so far as relates to the county of Decatur.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole the bill of the House to amend an act entitled an act to amend an act passed 17th day of December, 1847, to authorise parties to compel discoveries at common law, approved February 20, 1854. The report was agreed to; the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Speer their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills of the Senate, to-wit:

A bill to be entitled an act to incorporate the Summer ville Male and Female Academies, and for other purposes therein specified.

A bill to be entitled an act to authorise the Georgia and Florida Rail-road Company to construct a branch road.

A bill to be entitled an act to compel owners of slaves on plantations, or farmers in Effingham county, to keep a white man on said plantation or farm.

A bill to incorporate the town of Lithonia in DeKalb county, and the town of Woodberry in the county of Meriwether.

A bill to be entitled an act to incorporate a bank in the town of Hamilton, to be called the Bank of Hamilton, Georgia.

A bill to be entitled an act to incorporate the LaGrange Light Guards, the Bibb County Loan Association, and the Scriven Troops; and for other purposes.

A bill to be entitled an act to authorise the Clerks of the Superior and Inferior Courts of the counties of Pike and Clarke, to appoint deputy clerks with certain powers and privileges herein prescribed.

A bill to be entitled an act to authorise the Clerk of the Superior and Inferior Courts of the county of Ware, to keep their offices at their residence, if within eight miles of the court-house, and to exempt the Justices of the Inferior Court from all other public duties during their continuance in office.

A bill to be entitled an act to enable persons who have claims against trust estates, to recover said claims in a court of law and to prescribe the manner in which the same shall be done.

A bill to be entitled an act to change the line between the counties of Richmond and Columbia, so as to include the land and residence of Alexander M. Allen in the county of Columbia.

A bill to be entitled an act to exempt persons resident on Skidaway Island from performing road duty on the main land.

A bill to be entitled an act to give force and operation to judgments issuing from the Mayor's Court of the city of Darien, throughout the State of Georgia.

A bill to be entitled an act to authorise Tax Collectors to issue summons of garnishment.

A bill to be entitled an act to compel the Superintendent of the Western & Atlantic Rail-road, to sell such iron and other articles as may become useless to said road, at public outcry, and for other purposes therein mentioned.

A bill to be entitled an act to alter and amend the sixth section of an act approved 11th Feb'y, 1854, entitled an act to incorporate the Dalton & Copper Mine Turnpike, Plank & Rail-road Company; and to allow the company to build a turnpike, plank or rail-road.

A bill to be entitled an act to require the depot-agents, and conductors of the Western & Atlantic Rail-road to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same.

A bill to be entitled an act for the relief of the representatives and securities of Tax Collectors in certain cases, and for other purposes therein mentioned.

A bill to be entitled an act for the relief of John C. Everett and Robert Campbell and Jesse Bryan.

A bill to be entitled an act to incorporate the Sweet Water Rail-road Company.

A bill to be entitled an act to amend the several acts of this State in relation to suing out commissions of lunacy.

A bill to be entitled an act to allow practicing attorneys to serve as Justices of the Peace in Burke county.

A bill to be entitled an act to amend the second section of an act entitled an act to prevent damages arising from dams or banks, and to prevent persons from stopping the natural course or courses of water to the injury of their neighbors, approved September 29th, 1773.

A bill to be entitled an act to amend certain sections of the act amending the act incorporating the town of Calhoun.

A bill to be entitled an act to relieve executors and administrators from the necessity of publishing of sales of insolvent papers in one of the public gazettes of this State.

A bill to be entitled an act to authorise Jesse L. Bullard, minor, of the county of Stewart, to be an heir-at-law of William Carter of said county.

A bill to be entitled an act to require the State Printer to cause to be reported the proceedings of the Legislature.

A bill to be entitled an act to continue in force the tenth section of an act to lay out and form a new county from

parts of the counties of Early and Randolph; and approved Feb'y 16th, 1854.

A bill to be entitled an act amendatory of an act to incorporate the Trustees of the Masonic Hall in the town of Milledgeville.

A bill to be entitled an act to prescribe the order of descent, and succession of the estate of illegitimate persons who die intestate.

A bill to be entitled an act to change the time of holding the Inferior Court of the county of Early, and the Superior Court of the county of Chattahoochee; and to allow two weeks for the Superior Court of the county of Warren, and for other purposes.

A bill to be entitled an act for the relief of George M. Hodges and Josiah Hill of the county of Macon.

A bill to be entitled an act to authorise Azariah Burnett of the county of Dade, to practice medicine and charge for the same.

A bill to be entitled an act to divide the offices of Tax Collector and Receivers of Tax Returns of the county of Dade.

A bill to be entitled an act to provide a remedy for cases in the Supreme Court where the defendant in error dies between the time of the trial in the Circuit Court, and the time of filing the bill of executions, writ of error, citation and notice in said court.

A bill to be entitled an act to change the lines between certain counties therein named.

And they have concurred in the amendments of the Senate to the following bills of the House of Representatives, to-wit:

A bill to be entitled an act to add a part of originally Union county to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding.

A bill to be entitled an act to appropriate money to the legal representatives of James M. Kelly, deceased, and for other purposes therein mentioned.

A bill to be entitled an act to incorporate the Finch Mining Company of Cherokee county, Georgia, and for other purposes therein mentioned.

A bill to be entitled an act for the relief of Rachel Holoman of the county of Carroll, and Martha E. Alford of Troup county.

A bill to be entitled an act to authorise Uriah Evans of Twiggs county, to peddle in the county of Twiggs, and others therein mentioned, without license.

They have also passed the following bills of the Senate with amendments, to-wit:

A bill to be entitled an act to incorporate a bank in the town of Madison to be called the Bank of Madison.

A bill to be entitled an act to authorise the Inferior Court of Glynn county to have copies of the original records transcribed, and to legalise the same.

A bill to be entitled an act to legalise certain processes in Monroe county.

A bill to be entitled an act to incorporate Cartersville Lodge and Oak Bowery Lodge No. 81, of Free and Accepted Masons.

A bill to be entitled an act to authorise the Gainesville and Chattahoochee Ridge Rail-road Companies, to consolidate their charters and make them uniform; and to increase and fix the amount of their capital; also, to incorporate the Eatonton and Madison Rail-road Company.

A bill to be entitled an act to authorise Wm. B. Wofford to build and keep a mill-dam across the Connasauga River, on his own land, in the county of Murray.

A bill to be entitled an act to incorporate the Welaka Steamboat Company.

A bill to be entitled an act for the relief of certain persons therein named.

A bill to be entitled an act for the relief of Robert G. Ford of the county of Worth.

A bill to be entitled an act to facilitate and expedite the collection of debts due by corporations, joint stock companies and associations, in cases where the stockholders and members are liable for the same.

The House of Representatives insists upon their amendments to the following bills of the Senate, to-wit:

A bill to be entitled an act to authorise Dr. J. J. M. Goss to practice medicine on the Eclectic System, as taught in Cincinnati, Ohio.

A bill to be entitled an act to add lots of land Nos. 117 and 118 in the 6th dist. of Irwin county to the county of Worth; and to change the lines between certain other counties.

And they recede from their amendment to the bills to be entitled an act to make permanent the county lines between the counties of Dooly and Worth; and also between the counties of Irwin and Dooly.

A bill to be entitled an act limiting the time in which suits in the courts of law in this State must be brought, and also limiting the time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned.

Also, the House recedes from its amendment to the Senate bill that had been referred to the committee on conference, and which had not been previously concurred in:

A bill to change the residence of Frederick R. Meritt, Sr..

from the county of Coffee to the county of Irwin, and change several other county lines therein named.

The Senate took up the report of the committee of the whole on a bill to incorporate a bank in the city of Rome, Floyd county, to be called the Bank of the Empire State.

On motion of Mr. Screven, the same was amended by adding the following, to-wit:

That Joseph Bond, W. W. Cheever, John Jackson, R. Q. Dickenson, J. M. Mense, F. O. Welch, Lott Warren and their associates be incorporated under the name and style of the Bank of Albany, Georgia.

And under this corporate name they shall be authorised to establish a bank in the city of Albany, with all the rights, and privileges which are by the charter laws of this State conferred upon the Mechanic's Bank of Augusta.

The capital of the Bank of Albany shall be five hundred thousand dollars.

The liability of stockholders under this charter shall be the same as is provided for in the charter for the Bank of Greensboro'.

On motion of Mr. Cone of Greene, the same was amended by adding the following as an additional section, to-wit:

It shall be the duty of the President and Cashier, within six months after said bank goes into operation, to make out a statement of the condition of said bank, and a list of its stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said bank, and the kind and character of said indebtedness, which shall be verified on oath of the President and Cashier, and shall be published in each of the newspapers printed in Rome for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and neglect to publish the same for twenty days, shall cause a forfeiture of all the rights and privileges granted by this act.

The report of the committee as amended was agreed to, the bill was read the third time, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 46, nays 14.

Those voting in the affirmative are Messrs. Adams, Atkinson, Billups, Brice, Brown of Baldwin, Buchanan, Calhoun, Cannon, Cantrell, Chastain, Coffee, Cone of Greene, Crowder, Dixon, Dupree, Grant, Griffin, Hale, Hill, Jamison, Jeter, Knight, Lawton, Marshall, McGuire, McIntosh, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Murray, Patterson of Gilmer, Patterson of Jefferson, Poole, Ragan, Riley, Rudisill, Shropshire, Simms, Scott, Screven, Studstill, Welborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Brown of Gwinnett, Cone of Bulloch, Dunnagan, Fambro, Gray,

Harris of Worth, King, McCrimmon, Moreland, Renfroe, Sapp, Turner and Ware. So the bill was passed.

Mr. Cone, one of the committee on enrollment reports the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act to incorporate the LaGrange & Oxford Rail-road Company.

Also, an act for the relief of William L. Strain of the county of Greene.

Also, an act to incorporate the North-Eastern R. R. Co.

Also, an act to prescribe the manner in which the names of persons may be changed, and persons born illegitimate may be made legitimate, and to carry into effect the provisions of the Constitution upon that subject, and also to prescribe the manner in which children may be adopted, and to provide for establishing, changing or abolishing election precincts, and for other purposes.

Also, an act to protect and confer upon charitable societies certain privileges, and to make them bodies corporate and politic.

Also, an act to confer certain privileges upon James J. Boyett of Randolph county, and to make lawful his acts, and to give him authority to transact business as though he were of full age.

Mr. Cone from the committee on enrollment, reports as duly enrolled and ready for the signature of the President, the following acts, to-wit:

An act to incorporate Pierce Female College and for other purposes.

An act to authorise William Stroud, administrator de bonis non upon the estate of William H. Parker, late of Clarke county, deceased, to settle with and pay off Sheffield H. Parke, one of the heirs-at-law of said estate, and to legalise the same.

An act to allow Andrew J. Wooten of the county of Telfair, to peddle and vend goods in the counties of Telfair, Pulaski, Montgomery, Appling, Coffee, Irwin and Lowndes, free of license, and other persons therein named.

Mr. Cone from the committee of enrollment, presents the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act to amend the charter of the Southern Mutual Insurance Company, and to transfer certain stock with the dividends due and unpaid thereon, to the Samaritan Society of the city of Augusta; also,

An act to legalise and make valid two charters granted by the mayor and aldermen of the city of Columbus for plank roads in said city; also,

An act to protect the citizens of Worth, Richmond and Clinch, Berrien and Bryan, from the injurious consequences of camp-hunting by non-residents.

Also, an act to authorise Isaac C. Toller to build and keep a mill-dam across the Connasauga river on his own land.

Also, an act to make valid certain surveys, warrants and grants, and to authorise certain grants to be issued.

Also, an act for the relief of certain teachers of poor children in the county of Decatur; also to provide for the payment of the accounts of teachers of poor children, throughout the State, where such children have not been returned according to law.

Also, an act to limit the time of service of Grand and Petit Jurors in the City Court of Savannah, and to exempt the keepers of Laurel Grove Cemetery, and the Catholic Cemetery near the city of Savannah, from service on the Juries of the Superior Court and the City Court of Savannah, and to alter all laws on the subject of drawing and arranging Grand and Petit Juries, so far as relates to Chatham county, and for other purposes.

Also, an act to compensate the Grand Jurors of Baker county.

Also, an act for the relief of Barnard Dugan of Fulton county.

Also, an act to elect the attorney-general for the Middle Circuit, and the Solicitors General for the respective Judicial Circuits of this State by the people, and for other purposes therein mentioned.

Also, an act for the relief of Barnard Dugan of the county of Fulton.

Also, an act to limit the time of service of Grand and Petit Jurors in the City Courts of Savannah, and to exempt the keepers of Laurel Grove Cemetery and the Catholic Cemetery, near the city of Savannah, from service on the Juries of the Superior Court and the City Court of Savannah; also to authorise the Judge of the City Court of Savannah to have an additional number of jurors summoned; also, to alter and amend an act to alter and amend the 2d section of an act entitled an act for the better selection and drawing of Grand Juries for the several counties of this State, approved 7th of Dec'r, 1805; also, to alter all laws on the subject of drawing and arranging Grand and Petit Juries so far as relates to the county of Chatham, assented to December 7th, 1841.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act to change the mode of executors, administrators and guardians in making their returns to Ordinaries.

Also, an act to incorporate the Madison Town Hall Company; also,

An act to incorporate Macon Hook and Ladder Company No. 1, and to grant certain privileges and exemptions.

Also, an act to authorise the Ordinary of the county of Taylor, to pay to James P. Ronan and William A. Graham, certain sums of money therein specified.

Also, an act to prohibit any person or persons from driving cattle on the Lookout Mountain in the counties of Walker, Catoosa and Dade in certain months of the year.

Also, an act to define and extend the powers of the Union Society of the city of Savannah.

Also, an act to authorise John W. Grantham, an infirm person and a citizen of Cobb county, to peddle and vend goods, wares and merchandise in the county of Cobb, without a license for that purpose as now required by law, and to entitle Matthew Crenshaw to similar privileges in the county of Troup.

Also, an act for the relief of William T. Shannon, Reuben J. Dawson and Daniel Pardu, securities of George P. Nicholson, late tax collector of Greene county, &c.

Also, an act to alter and amend the fifteenth section of the fourteenth division of the penal code.

The following message was received from the House of Representatives by Mr. Speer, their Clerk:

Mr. President—The House of Representatives have concurred in the amendment of the Senate to the bill of the House to be entitled an act to remove the Penitentiary of this State by amending the amendment of the Senate, to which they ask their concurrence.

The Senate took up the report of the committee of the whole on a bill supplemental to an act to authorise the selection and permanent location of a county site in the county of Wayne to authorise the building of a new court-house, and the levying of an extra tax, and for other purposes.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise Ephraim Young of the county of Telfair, to peddle in the counties of Telfair and Montgomery and Richard B. Dickson of the county of Clark, to peddle in the county of Clark, &c.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to make executors and administrators liable for costs in certain cases.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to change the line between the counties of Taylor and Marion, so as to include lots of land 243 in the third district and 33 in twelfth dist., now in the county of Marion, in the county of Taylor.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to alter and amend and add to the Penal Code of this State.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Ordinary of Gwinnett county to pay certain poor children. The report was agreed to;—the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Mrs. Jane Elizabeth Lott, wife of George Lott of Richmond county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to appoint trustees to the Carrollton Male and Female Academies in the county of Carroll and for other purposes. The report was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House for the relief of William Waters.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to appoint an additional number of trustees for the Washington Academy in the county of Gwinnett. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of J. H. Adams, John Pike and Ebenezer Perkins, all of the county of Lowndes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter, amend and add to the several laws relating to slaves and free persons of color.

The report of the committee was agreed to; the bill was read the third time and passed.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk:

Mr. President—I am instructed by the House of Representatives to inform the Senate that they will be ready to adjourn, 'sine die,' to-morrow, 1st of March, 2 o'clock, P. M.

The Senate took up the report of the committee of the whole on a bill to incorporate a bank in the town of Morgan, to be called the Bank of Morgan.

On motion of Mr. Cone of Greene, the same was amended by adding the following additional sections, to-wit :

"It shall be the duty of the President and Cashier within six months after said Bank goes into operation, to make out a statement of the condition of said Bank, and a list of its Stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said Bank, and the kind and character of the funds of which it is composed, and also the amount of indebtedness of said bank, and the character of said indebtedness which shall be verified by the oath of the President and Cashier, and shall be published in each of the newspapers printed in Fort Gaines, for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for 20 days, shall cause a forfeiture of all the rights and privileges granted by this act."

The report of the committee as amended was agreed to, the bill was read the third time, and upon the question, Shall this bill now pass? the yeas and nays were required to be recorded, and are yeas 30, nays 28.

Those voting in the affirmative are Messrs. Adams, Brice, Brown of Baldwin, Calhoun, Coffee, Cone of Greene, Crowder, Cumming, Dixon, Dupree, Jamison, Jeter, Knight, Lawson of Burke, Lawton, McGuire, Moore of Cobb, Moore of Lincoln, Morris, Murphy, Newton, Patterson of Gilmer, Pharr, Poole, Sapp, Screven, Studstill, Wellborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Beall, Billups, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Cone of Bulloch, Fambro, Gray, Grant, Griffin, Hale, Harris of Worth, King, Marshall, McCrimmon, McIntosh, Moreland, Murray, Patterson of Jefferson, Ragan, Renfro, Rudisill, Simms, Scott, Turner, and Ware.

So the bill was passed.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act to provide a remedy for cases in the Supreme Court where the defendant in error dies between the time of the trial in the Circuit Court, and the time of filing the bill of exceptions, writs of error, citation and notice in said court.

Also, an act to incorporate the Elberton Male Academy in the town of Elberton, and County Line Academy in the county of Marion, and to appoint trustees for the same; to incorporate the Marietta Copper Company; also, to incorporate Friendship Church in Greene county.

Also, an act to amend the second section of the act to prevent damages arising from dams or banks, and for preventing persons from stopping the natural course or courses of water to the injury of their neighbors, approved September 9th, 1793.

Also, an act to incorporate the Georgia Air-Line Rail-road Company; and to confer on them certain powers and privileges therein mentioned.

Also, an act to compensate the Grand and Petit Jurors of Talbot county.

Also, an act to relieve executors and administrators from the necessity of publishing notices of sales of insolvent papers in one of the public gazettes of this State.

Also, an act to change the lines of certain counties therein mentioned.

Also, an act to change the lines between counties therein mentioned.

Also, an act to incorporate the LaGrange Light Guard, the Bibb County Loan Association, and the Scriven Troop, &c. Also,

An act to authorise the Clerks of the Superior and Inferior Courts of the counties of Pike and Clarke, to appoint deputy clerks with certain powers and privileges herein prescribed.

Also, an act to compel owners of slaves on plantations, or farmers in Effingham county, to keep a white man on said plantation or farm.

Also, an act to compel the Superintendent of the Western & Atlantic Rail-road, to sell such iron and other articles as may become useless to said road, at public outcry, and for other purposes therein mentioned.

Also, an act to authorise the Clerk of the Superior and Inferior Courts of the county of Ware, to keep their office at their residence, if within eight miles of the court-house, and to exempt the Justices of the Inferior Court from all other public duties during their continuance in office.

Mr. Moore from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts :

An act for the relief of Crawford H. Little, Tax Collector of the county of Franklin.

An act to incorporate the North Georgia Mining Company.

An act for the relief of Archer Griffith of Oglethorpe county, and to authorise him to pay taxes in Oglethorpe county upon property owned by him in Madison county.

An act to incorporate the town of Jefferson in the county of Camden, and for other purposes.

An act to incorporate the Rome Foundry and Machine Company.

An act to extend the limits of the incorporation of the village of Cave Spring, and for other purposes hereafter mentioned.

An act for the relief of Susan Murray of the county of Charlton.

An act to authorise the Justices of the Inferior Court of Charlton county to examine and allow the Tax Collector of said county his insolvent list.

An act to consolidate the offices of Tax Receiver and Tax Collector of the county of Worth.

An act to amend the road laws of this State so far as relates to the county of Glynn.

An act to authorise and empower Uriah Evans of the county of Twiggs, and others therein named, to peddle without license.

An act to incorporate Salt Springs Academy in the county of Campbell, and to appoint trustees for the same.

An act to prevent the felling in of timber, or otherwise obstructing Mountain Town Creek, so as to cause drifts.

An act to ratify the organization of the first regiment, first brigade, first division, Georgia Militia, and to make valid the election of the officers of the same and for other purposes therein named.

An act to add a part of originally Union county to the county of Gilmer, and to change the lines between the counties of Spalding and Pike, and to add a part of the county of Pike to the county of Spalding.

An act to appropriate money to the legal representatives of James M. Kelly, deceased, and for other purposes therein mentioned.

An act to alter, amend and enlarge an act entitled an act to ascertain, dispose of and appropriate the ungranted lands in the county of Chatham, and to vest the same in certain charitable societies, and for other purposes.

An act for the relief of Rachel Hallaman wife of William Hallaman of the county of Carroll and Martha C. Alford wife of James A. J. Alford of Troup county.

An act to amend an act to authorise certain persons herein named to clear out and improve the navigation of the Chattahoochee river above the Western and Atlantic Railroad, and for other purposes therein named, approved January 12th, 1852.

An act to incorporate the Garnett Hill Mining Company of Georgia.

An act to incorporate Lincoln county Mining Company.

An act for the relief of James Roundtree of the county of Fulton and James Suggs of the county of Randolph.

An act to appropriate money for the benefit of the Georgia Asylum for the Deaf and Dumb, and for other purposes.

An act to authorise the Inferior Court of Effingham county to order the payment of Superintendents, Clerks, and those who consolidate the returns of elections of said county, for their services.

An act to amend an act entitled an act to incorporate a company in the county of Columbia and State of Georgia, to

be known by the name and style of the Columbia Mining Company, and to grant certain privileges thereto, and for other purposes therein mentioned.

An act to incorporate the Columbus Savings and Mutual Loan Association.

An act to authorise Thomas R. Gibbs an infirm man to peddle without paying for license.

An act to authorise the Governor and Comptroller General to correct mistakes of Receivers and Collectors of taxes or of any tax-payers whereby more money is paid into the Treasury than is required by law, to refund the same, and the Governor to draw his warrant on the Treasury for said amount. The Comptroller to settle up the business of his office of other years. The Inferior Courts or Grand Jurors to allow insolvent lists before the fifteenth of December of each year; Tax Collectors to pay the taxes by the 20th December of each year; Comptroller to settle up the old and unfinished business of his office; his duty therein—making out digests—to make indexes to the books in his office; his compensation therefor; and for collection of debts due previous to 1855, and enter Tax Collectors' bonds in a book and file them.

Mr. Cone from the committee on Enrollment reports as duly enrolled and ready for the signature of the President of the Senate:

A resolution appointing E. Y. Hill of the county of Troup, I. T. Irwin of Wilkes and A. J. Lawson of Burke to cast the vote of the State for Directors of Atlantic and Gulf Railroad.

Also, a resolution in relation to the distribution of books.

Also, a resolution in relation to the establishment of a mail route.

Also, a resolution in relation to John B. Beall of the county of Carroll.

Mr. Cone from the committee on enrollment, reports as duly enrolled, and ready for the signature of the President of the Senate,

An act to authorise Jesse L. Ball a minor of the county of Stewart to be an heir-at-law of William Carter of said county.

Mr. Cone of the Enrolling committee reports the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act for the relief of Harriet A. Boyd of the county of Cobb.

Also, an act to authorise Tax Collectors in this State to issue summons of Garnishments in certain cases and to regulate the same, and for other purposes.

Also, an act limiting the time in which suits in the Courts of Law in this State must be brought, and also limiting the

time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned.

Also, an act to establish and organise a Court in the cities of Columbus, Macon, Atlanta and Rome, and to define its jurisdiction.

The following message was, this day, received from his Excellency the Governor, through Mr. deGraffenried his Secretary :

Mr. President—I am instructed to inform the Senate that the following acts have been approved and signed by the Governor:

An act to define the time of holding the Superior Courts in Brunswick Judicial Circuit; and for other purposes.

An act to repeal a portion of the second section of an act entitled an act to change the lines between the counties of Monroe and Crawford, and also to change the lines between other counties therein mentioned, approved February 13th, 1854.

An act to compensate the Grand and Petit Jurors of the county of Tatnall, to provide for the payment of the Petit Jurors of Columbia county, and for other purposes.

An act to extend the provisions of the 4th section of an act for prevention of frauds and perjuries, enacted 29th Charles 2d, ch. 3rd, so as to make the same applicable to slaves.

An act declaring who are qualified and liable to serve as Jurors in criminal cases, regulating the manner of empanneling a Jury in such cases, declaring who are competent Jurors, and the mode and manner of ascertaining such competency, and for other purposes therein mentioned.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit:

Mr. President—The House of Representatives have passed the following bill :

A bill to be entitled an act to compel the various Banks, the agencies of Foreign Banks, to pay county taxes, and to fix the tax on Bank stock.

The House of Representatives have also passed the following bill of the Senate, to which they ask the concurrence of the Senate, to-wit :

A bill to be entitled an act to alter and amend the first section of the third article of the Constitution of this State.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President—The House of Representatives have concurred in the amendments of the Senate to the following bills of the House, to-wit :

A bill to be entitled an act to incorporate the Fighting Town Mining Company.

A bill to be entitled an act to amend the several acts now of force in reference to the Public Printer.

A bill to be entitled an act to amend seventh section of the act incorporating the city of Dalton in the county of Whitfield, assented to on the 28th December, 1853, so as to give the election of Marshal, Clerk and Treasurer of said city to the qualified voters of said city, and to require the Mayor of said city to make out and publish in each of the newspapers of said city, semi-annual reports of the financial operations of said city, to provide for the election of County Treasurer for the county of Whitfield by the qualified voters of said county; and for other purposes therein mentioned.

A bill to be entitled an act to appoint commissions with power to remove all obstructions for the free passage of fish in the Kinchafoonee creek, and to punish those who may attempt to defeat the same.

A bill to be entitled an act to incorporate the Trustees of the Masonic Hall in the city of Savannah.

A bill to be entitled an act for the relief of William Searcy of the county of Talbot.

A bill to be entitled an act to authorise the Treasurer to pay over to the Ordinary of Chattahoochee county the poor school fund for the year 1854.

A bill to be entitled an act for the relief of Edward Stanfield of Henry county.

A bill to be entitled an act to change the county lines between Cass and Gordon, and between Gordon and Murray, and other counties therein named, and for other purposes.

A bill to be entitled an act to authorise Ransom Rogers, Sen'r. of the county of Screven, to practice medicine and charge therefor.

Mr. Cone of the Enrolling committee reports the following bills as duly enrolled and ready for the signature of the President to-wit:

An act to prevent fraudulent surveys of lands in the counties of Camden and Effingham.

Also, an act to incorporate a Bank in the town of Bainbridge to be called the Southern Bank of Georgia.

Also, an act for the relief of the representatives and securities of Tax Collectors in certain cases, and for other purposes therein mentioned.

Also, an act to incorporate a town to be called Warsaw.

Also, an act to change the time of holding the Courts of Ordinary of Screven county.

Also, an act to change the line between the counties of Richmond and Columbia, so as to include the land and residence of Alexander M. Allen in the county of Columbia.

Also, an act to incorporate a Bank in the town of Greensborough to be called the Bank of Greensborough.

Mr. Cone from the committee on Enrollment reports as duly enrolled and ready for the signature of the President of the Senate:

An act to organise a new Judicial Circuit to be composed of the counties of Heard, Coweta, Campbell, Carroll, Haralson, Polk and Floyd, and prescribe the times for holding the Superior and Inferior Courts in each of said counties, to attach the same to the third Supreme Court Judicial Circuit, and for other purposes therein mentioned.

The following message was received from the House of Representatives by Mr. Speer their Clerk, to-wit:

Mr. President: The House of Representatives have passed the following bills of the Senate, to-wit:

A bill to be entitled an act to point out the mode or manner of collecting Magistrates and Constable's fees in the county of Chatham, and to amend an act to repeal an act to extend the civil jurisdiction of the Justices of the Peace.

A bill to be entitled an act to alter the time of holding the Inferior Court of the county of Worth.

A bill to be entitled an act to confer certain privileges upon John Q. Spires of Lincoln county, and to make lawful his acts, and give him authority to transact business as though he were of full age.

A bill to be entitled an act to amend the several acts in relation to the exemption of certain property from levy and sale, and to provide a mode of securing said property to the wife and children or wife or child, or children of said debtor.

A bill to be entitled an act for the relief of Henry Medora Arnold wife of John B. Arnold of Glynn county.

A bill to be entitled an act in relation to the publication of the advertisements of county officers of the county of Telfair.

A bill to be entitled an act to authorise Stephen W. Parker, a minor of the county of Chattahoochee to transact his own business.

A bill to be entitled an act to incorporate the Thomasville Female College.

A bill to be entitled an act to authorise the endorsers on promissory notes and other instruments which shall be given for the purpose of negotiation, or intended to be negotiated at any chartered Bank, or which may be deposited in any chartered Bank for collection, to be sued in the same action with the principal or maker.

A bill to be entitled an act to incorporate a Bank in the city of Atlanta to be called the Bank of Fulton.

A bill to be entitled an act to amend the acts incorporating the town of Thomasville, and to grant certain privileges to the same, and to extend its limits.

A bill for the relief Wm. H. C. Prior, Ex'rs, &c.

A bill to be entitled an act to authorise the Justices of the Inferior Court to lay off the county of Floyd into school district; and for other purposes.

A bill to be entitled an act to compensate the Sheriff of

the county of Wilkes, and his deputies, for summoning Jurors, and attending the Courts of said county.

A bill to be entitled an act to incorporate the Saint Mary's Rail-road Company, and for other purposes.

A bill to be entitled an act to incorporate the town of Lamar in Baker county.

A bill to be entitled an act to incorporate the town of Weston.

A bill to be entitled an act to authorise the Ordinary of DeKalb county to pay to the teacher of the poor children of said county the balance, in his hands, of the money appropriated for the year 1855.

A bill to be entitled an act to declare and define the jurisdiction of the Courts of Ordinary in this State; and for other purposes therein mentioned.

A bill to be entitled an act to incorporate the town of Morgan in Calhoun county, and appoint commissioners for the same.

A bill to be entitled an act to authorise Asa Houston Langston of Hart county to practice in this State, receive, and collect the usual fees for the same.

A bill to be entitled an act to repeal an act defining the duty of the Inferior Courts in relation to building bridges, so far as relates to Jackson county.

A bill to be entitled an act to add an additional section to an act to incorporate the Georgia and Florida Steam Packet Company, approved February, 1854; and for other purposes.

A bill to be entitled an act to incorporate the Commercial Bank of Brunswick.

A bill to be entitled an act to incorporate Laurens Lodge, number seventy-five of Free and Accepted Masons of Laurens county.

A bill to be entitled an act to incorporate the city of Americus in the county of Sumter.

A bill to be entitled an act to allow executors, administrators and guardians resident in other States or Territories to control stocks and money in this State, and to empower trustees to dispose of stocks.

A bill to be entitled an act for the perpetuation of testimony in certain cases.

A bill to be entitled an act amendatory of an act entitled an act to incorporate the town of New Gibraltar in DeKalb county; to appoint commissioners for the same; to provide for the election of commissioners in succession, and other regulations therein named, and to levy a tax for the improvement of said town; to change the name and extend the limits of said town, assented to December 17th, 1847. And also to incorporate the town of Tunnel Hill in the county of Whitfield; and for other purposes.

They have also passed the following bills of the Senate, with amendments, to which they desire the concurrence of the Senate, to-wit :

A bill to be entitled an act to authorise Warren Dukes, an infirm man of the county of Worth, as an itinerant trader, to vend any goods, wares or merchandise, within the limits and bounds of the said county.

A bill to be entitled an act to incorporate the Appalachee Mining Company, and to confer certain privileges on the same.

A bill to be entitled an act to incorporate the Fort Gaines Bridge Company, and to punish those who may willfully impair the same.

A bill to be entitled an act to raise the jurisdiction of Justices of the Peace.

The Senate took up the report of the committee of the whole on a bill to change the times of holding the Superior Courts in certain counties therein mentioned, and for other purposes therein specified.

On motion the same was amended by striking out the counties of Campbell, Polk and Haralson, and all in relation to the times of holding Courts therein; again after the words, 'Paulding on the' strike out 'third January and July,' and insert 'first Monday in April and October,' and further insert, 'and in the county of Towns on the fourth Monday in May and November in each and every year.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to more effectually carry into effect the thirteenth section of the fourth article of the Constitution of the State of Georgia, to promote the arts and sciences, and to provide for the education of teachers.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to provide for the removal of free negroes from this States, and for their voluntary return to slavery.

On motion the same was indefinitely postponed.

On motion, Mr. Lawton was allowed leave of absence.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the Senate took up the following bills of the House, and read the same a second time, to-wit :

A bill to authorise the Governor to draw his warrant upon the Treasury in favor of Copeland, Harris & Co.

A bill for the relief of John C. Jones.

A bill to provide for a geological and mineralogical survey of the State, with a view to develop the agricultural and mining interest of the State.

A bill to require the Ordinary of Murray county to pay Littleberry Morgan a sum of money for teaching poor children in said county for the year 1852.

A bill to compel the payment of tax imposed on agencies of foreign Banks.

A bill for the relief of Wm. G. Booth and Philip H. De-lane teachers of poor children in Marion county in 1851.

A bill to define the jurisdiction of Courts of Ordinary in this State.

A bill to amend the several acts of this State for altering and changing the charter of the city of Atlanta.

A bill to construct a Turn Pike road from Union county line above the residence of Alfred Parks; and for other purposes.

Mr. Cone from the committee on Enrollment reports as duly enrolled signed by the Speaker, and ready for the signature of the President of the Senate,

An act to authorize Ransom Rogers, Sr., of the county of Screven and Claiborn H. Jones of the county of Upson to practice medicine and charge therefor.

An act to amend an act entitled an act to incorporate a company in the county of Columbia and State of Georgia, to be known by the name and style of the Columbia Mining Company, and to grant certain privileges thereto, and for other purposes therein mentioned.

An act to incorporate the Macon Savings Bank.

An act to incorporate the Finch Mining Company of Cherokee county, Georgia, and for other purposes therein mentioned.

An act to incorporate the American Mining Company.

An act for the relief of Edward Stanfield of Henry county.

An act to compel the incorporated Mining companies of this State to give in and pay taxes on their stock in the counties where the mines are located.

An act to incorporate the South-Western Electro Magnetic Telegraph Company.

An act for the relief of Joseph Landrum of the county of Oglethorpe.

An act to extend the provisions of the act to amend the several acts now in force regulating the fees of Magistrates and Constables in this State, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for the mode of collecting the same, approved January 22d, 1852, to the county of Fulton.

An act to amend the third section of an act entitled an act to amend the several acts relating to the Court of Common Pleas and of Oyer and Terminer in the

city of Savannah, and for other purposes, approved 9th December, 1853; and for other purposes therein named.

An act to consolidate the offices of Tax Collector and Receiver of Tax Returns for the county of Fannin.

An act to amend the several acts now in force in reference to the Public Printer.

An act to explain and supplementary to an act entitled an act to authorise the Inferior Court of Washington to levy and collect an extra tax for the purpose of building a Court House and Jail, assented to December 22d, 1853.

An act to appropriate a sum of money for the payment of the claims of Thos. E. Patton assignee of Thomas Brice.

The following message was received from the House of Representatives, by Mr. Speer, their Clerk:

Mr. President—I am directed by the House of Representatives to inform the Senate that they adhere to their amendments to the bill of Senate to be entitled an act to authorise Dr. J. M. Goss to practice medicine on the Eclectic system.

The House have also agreed to the report of the committee of conference on the bill of the Senate to be entitled an act to add lots of land number 117 and 118 in the 6th district of Irwin county to the county of Worth, and to change the lines between certain other counties, to which they ask the concurrence of the Senate.

The House also adheres to its amendment made to the substitute adopted by the Senate in lieu of the bill the House to remove the Penitentiary of the State and appropriate money for the same.

They have also concurred in the amendments of the Senate to the bill of the House to appropriate money, with an amendment in favor of Jackson T. Taylor, Journalizing Clerk of the House to which they ask the concurrence of the Senate.

The Senate took up the report of the committee of the whole on a bill of the House to appropriate money to compensate the State Treasurer for extraordinary services.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Ordinaries of the several counties in this State to audit the accounts of teachers of poor children in certain cases therein specified.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill of the House to add an additional section to the Penal Code of the State of Georgia.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to legalise the acts of the City

Council of Columbus in the issuing of bonds, and for other purposes. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to be entitled an act to give certain privileges to the Justices of the Inferior Court of the county of Harris. The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Zene Sullivan, Tax Collector for the county of Union for 1854.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate took up the message of the House in relation to the disagreements between the two Houses on a bill to add lots of land numbers 117 and 118 in the 6th district of Irwin county to the county of Worth, and to change the lines between certain counties.

On motion of Mr. Renfroe the following report of the committee of conference on the same, was taken up, read and agreed to, to-wit :

¶ The committee of conference to whom was referred the disagreement of the two Houses on the amendment of the House to the Senate's bill changing the line between the counties of Dooly and Houston, beg leave to make the following report : That they have had the same under consideration, and as the lines between the counties are now well defined, it would be impracticable to change them.

We therefore recommend that the House recede from its amendment.

The Senate took up the report of the committee of the whole on a bill of the House to alter and change and amend the second section of an act entitled an act to regulate the advertising of Clerks, Sheriffs and other State and county officers, and to provide for the preservation of the newspapers containing said advertisements.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Justice's Courts to establish lost papers to the amount of their jurisdiction, and charge for same, prescribed by this act.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to provide for paying the delegates sent by the authority of the State of Georgia to the Convention of the people of the slaveholding States, held at Nashville in January, 1850.

On motion the same was made the special order for tomorrow.

The Senate took up the report of the committee of the whole on a bill to authorise the Ordinary of county of DeKalb to pay Winston H. Cash the sum of the thirty-one dollars for teaching poor children of said county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to grant to William Schley and Robert Schley of the county of Richmond, the right to open and construct a rail road, plank road or other Road from their saw mill on Spirit Creek in said county, to any point on the Augusta south-western plank road between the 11 and 13 mile posts on said plank road, from the city of Augusta for the transportation of timber, lumber and wood.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the village of Chickasahatchee in the county of Lee, and to appoint commissioners of the same, and to confer certain powers upon said commissioners, also to appoint commissioners for the Houghton Institute in the city of Augusta, and to appoint commissioners for the town of Sparta; the report of the committee was agreed to the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Justices of the Inferior Court of the county of Bibb, or a majority of them, at their discretion, to levy and collect and extra tax for the purpose of opening and keeping in good repair the public highway in said county; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise Judges of the Superior Courts of this State, to appoint Receivers during vacation, and to require the complainant in all cases asking for writs of "ne exeat" Quia Timet, and all applications asking for the appointment of a Receiver, or for an injunction to give bond and security to the respondent, for any loss or damage which he or they may sustain by the suing out of said writs; the report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to amend an act assented to December 14th, 1811, and to allow practicing attorneys to hold the office and perform the duties of Justice of the Peace in the county of Washington.

The report of the committee of the whole was agreed to, the bill was read third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise parties complainant either in law

or equity, to perfect service of writs against corporations under certain circumstances therein named.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill organizing the Independent Volunteers Battalion of Augusta, and for other purposes therein named.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Planters Club of Hancock county, and to authorise the payment to the same of a portion of the State tax of said county upon certain conditions.

Mr. Poole moved to strike out the section, whereupon the yeas and nays were required to be recorded, and are yeas 40 nays 18.

Those voting in the affirmative are Messrs. Adams, Allred, Brice, Brown of Gwinnett, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Dixon, Dunnagan, Dupree, Fambro, Gray, Hale, Hamilton, Jamison, Knight, Maddux, Marshall, McGuire, McIntosh, McMillan, Moore of Cobb, Moreland, Morris, Murphy, Murray, Newton, Patterson of Gilmer, Patterson of Jefferson, Pharr, Poole, Riley, Sapp, Shropshire, Studstill, Wales, Ware and Wellborn.

Those voting in the negative are Messrs. Beall, Brown of Baldwin, Calhoun, Cone of Greene, Crowder, Hill, Long McCrimmon, Moore of Lincoln, Ragan, Renfro, Rudisill, Simms, Scott, Screven, Smith, Turner, Whitaker and Wingfield.

So the motion to strike out prevailed.

On motion of Mr. Simms the bill as amended was indefinitely postponed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Georgia College of science and agriculture, located at——— in the State of Georgia.

On motion of Mr. Long the same was amended by adding additional sections incorporating the Brunswick and Altamaha Canal company at Brunswick.

On motion of Mr. Knight the same was amended by adding the following, to-wit:

And be it further enacted, That the stock owned by the State in said Canal, still continue to belong to the State in said new incorporation, and the location of said company shall be at Brunswick.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

On motion the Senate took up the message of the House in relation to a bill to incorporate Fort Gaines Bridge com-

any, and to punish those who may wilfully impair the same, and an amendment to the same.

On motion the amendment was concurred in.

On motion the Senate took up the message of the House in relation to a bill of the Senate to authorise Warren Dykes, an infirm man of county of Worth as an itinerant trader, to vend goods, wares or merchandise within the limits and bounds of said County, and an amendment to the same.

On motion the Senate concurred in the amendments of the House

The Senate took up the report of the committee of the whole on a bill to alter and amend the several laws in relation to the poor school system, so far as relates to the county of Lumpkin.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate took up the report of the committee of the whole on a bill to fix the time of holding elections for Judges of the Superior Courts, Attorney General and Solicitors General.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole to authorize the county of Habersham to aid in the construction of the North Eastern or any other Railroad running through said county, by the subscription of stock and the issue of bonds therefor, upon a vote of the citizens in favor of the same.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate took up the report of the committee of the whole, on a bill of the House to change certain county lines therein named.

On motion of Mr. Turner the same was amended by striking out the 9th section.

On motion of Mr. Riley the 11th section was amended by striking out so much as related to Taylor and Marion county lines, and inserting the following, to-wit:

“That the line between the counties of Taylor and Marion shall be as follows: The line of Taylor to extend from the present line due west to the north-west corner of lot No. 235 in the 11th district of Marion, thence due south to the south-west corner of 250, and thence east to the south-east corner of said lot, then south to the south-west corner of 264, thence east to the south-east corner of said lot, thence south to the south-west corner of 280, thence east to the Taylor line.

On motion of Mr. Riley the same was further amended by striking out the 13th section, and inserting the following in lieu thereof, to-wit:

That the line of the county of Taylor, shall extend down Cedar Creek until it strikes the south-east corner of Willis McLendon's land, thence due north to the original line of Taylor county.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

On motion the Senate took up the message of the House in relation to the bill of the House to appropriate money for the several purposes therein mentioned, and an amendment to the same.

On motion the amendment was amended by adding the words "and that the same amount be paid to J. W. Duncan, Journalizing clerk of the Senate, and concurred in as amended.

On motion the Senate took up the message of the House in relation to the disagreement of the Senate to an amendment of the House.

On motion the Senate took up the message of the House in relation to a bill of the Senate to raise the jurisdiction of the Justices of the Peace, and an amendment.

On motion the Senate refused to concur in the same.

On motion the Senate took up the message of the House in relation to a bill of the Senate to incorporate the Apalachee mining company, and an amendment to the same.

On motion the Senate concurred in the amendment of the House.

The Senate took up the report of the committee of the whole on the following bills of the House of Representatives and on motion the same were postponed indefinitely.

A bill to confer certain privileges upon R. H. Lumpkin of the county of Greene, and to make lawful his acts, and give him authority to transact business as though he were of full age.

A bill for the relief of Abner P. Powers.

A bill the more effectually to carry into effect the thirteenth section of the fourth article of the constitution of the State of Georgia. to promote the arts and sciences, and to provide for the education of teachers, and for other purposes.

A bill to compensate John T. Riley, Wm. H. Whitfield and John D. Crawford for services rendered.

A bill to incorporate Hebron Presbyterian Church of Franklin county, and for other purposes.

A bill to require agents at the Depots of the Western and Atlantic Railroad, to receipt for and mark produce, &c.

A bill to incorporate the Eatonton and Madison Railroad company, and to confer certain powers and privileges therein mentioned.

A bill to be entitled an act to alter, amend and add to the several laws relating slaves and free persons of color.

A bill to add an additional section to the 4th division of the penal code of this State.

A bill to alter and change the lines between the counties of Newton and Jasper.

A bill to authorise the collection of interest on open accounts.

A bill to alter and amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts, approved Dec. 14th, 1811.

A bill to abolish the land courts in the several counties where land are taken up on head rights, and to provide for the sale of all ungranted lands in this State.

A bill to determine what shall be sufficient allegations in indictments charging the offence of unlawful trading with slaves, and to amend the 14th section of the 13th division of the Penal code.

A bill to authorize the county of Early to pay over to the counties of Calhoun and Clay their distributive share of the poor school fund of said counties.

A bill to amend an act in relation to the measuring of timber, and the appointment of measurers and inspectors, and to punish for violations of the same.

On motion the Senate adjourned until half-past 8 o'clock to-morrow morning.

SATURDAY, MARCH 1st, 1856.

The Senate met pursuant to adjournment.

Mr. Wales moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill relative to the re-survey of the sixth district of Habersham county, and to authorise the sale of certain property in the city of Columbus; which was agreed to.

Mr. Poole moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill to change certain county lines therein named; which motion prevailed.

Mr. McIntosh moved to reconsider so much of the Journal of yesterday as related to the action of the Senate on a bill the more effectually to carry into effect the thirteenth section of the fourth article of the Constitution of the State of Georgia, to promote the arts and sciences; whereupon the yeas and nays were required to be recorded and are yeas 20, nays 38.

Those voting in the affirmative are Messrs. Calhoun, Crowder, Harris of Worth, Hill, Jeter, King, Knight, Lan-

drum, Lawson of Burke, Long, McCrimmon, McIntosh, McMillan, Moore of Lincoln, Murphy, Nichols, Ragan, Rudisill, Screven, Wales and Whitaker.

Those voting in the negative are Messrs. Allred, Beall, Brice, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Dixon, Dunnagan, Dupree, Fambro, Gray, Griffin, Hale, Jamison, Maddux, McGuire, Moore of Cobb, Moreland, Morris, Murray, Patterson of Gilmer, Patterson of Jefferson, Poole, Renfroe, Riley, Sapp, Simms, Scott, Smith, Studstill, Swinney, Turner, Ware and Wellborn.

So the motion was lost.

The Senate took up the report of the committee of the whole on the reconsidered bill relative to the re-survey of the sixth district of Habersham county,

On motion of Mr. Wales, the same was amended by striking out the first section. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a reconsidered bill to change certain county lines therein mentioned.

On motion of Mr. Poole, the 7th section was stricken out.

The report of the committee of the whole was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to alter and amend an act to alter the law in relation to interest on money, approved 17 Dec. 1845; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to authorise the Governor to draw his warrant on the Treasury for thirty dollars and thirty-seven and a half cents, in favor of Copeland Harris & Co., being the amount overpaid by them for taxes to the State; the report of the committee was agreed to, the bill was read the third time and passed.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President,

An act to incorporate the city of Greensborough, to provide for its government, define its power, and for other purposes therein mentioned.

Also, an act to authorise Dr. J. J. M. Goss to practice medicine on the Eclectic System, and for other purposes therein mentioned.

Also, an act to authorise the Ordinary, acting commissioner of poor school fund in the several counties herein named, to pay all bills presented for the tuition of poor children in said counties entitled and not returned as entitled to the benefits of said poor school fund.

Also, an act to incorporate the Fort Gaines Bridge Company, and to punish those who may wilfully impair the same and to authorise the bridging of Etowah river.

Also, an act incorporating the city of Rome.

Also, an act to incorporate the Elberton Male Academy in the town of Elberton, and County Line Academy in the county of Marion. and to appoint trustees for the same, to incorporate the Marietta Copper Company; also to incorporate Friendship Church in Greene county.

Also, a resolution to furnish certain books to certain counties.

Also, an act to simplify the method of carrying cases to the Supreme Court, and for other purposes.

The Senate took up the report of the committee of the whole on a bill to compensate the Petit Jurors of Lincoln county, to dispose of certain monies in Lee county as herein provided; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate Reener Camp Ground of the Methodist Episcopal Church South, in the county of Rabun, and to confer certain powers and privileges upon the same.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to alter, change and amend an act to incorporate the town of Decatur in the county of DeKalb, assented to December 10th, 1823.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the charter of the Trustees of the Presbyterian Church and Washington Female Seminary, granted by act of Dec. 19th, 1827, and amended by act of Dec. 31st, 1838; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Stony Point Mining Company of Georgia.

On motion the 3d section was amended by striking out the word 'five,' and inserting the word 'two.'

The report of the committee was agreed to, as amended the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to extend certain privileges to James E. Smith of Clay county.

On motion of Mr. Screven, the same was amended by adding the following:

"That William Battersby, a resident of the city of Savannah, of foreign birth, is hereby authorised to hold and

convey real estate within this State, in the same manner as if he was a native or naturalised citizen, any law or usage to the contrary notwithstanding; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Inferior Court of Muscogee county to sell the lot on which the county jail now stands, and to erect another upon some location to be by it selected.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Wm. M. Nichols from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

An act to raise the jurisdiction of Justices of the Peace.

An act incorporating the town of Thomasville, and to grant certain privileges to the same, and to extend its limits.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President,

An act in relation to the poor school funds in certain counties therein named.

Also, an act to incorporate the Auriferous Hill Gold Mining Company: also, the Montrose Manufacturing Company; also the Etowah Manufacturing and Mining Company, and for other purposes.

Mr. Cone from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the President of the Senate,

An act to incorporate the Welaka Steamboat Company; also to incorporate the Ocean and Tow-Boat Company, and to carry into immediate effect the provisions of an act to change the name of the Augusta & Waynesboro Rail-road, to the Savannah Rail-road, to amend the charter of said company, and for other purposes, approved Feb. 16, 1856.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President,

An act to incorporate a bank in the city of Atlanta, to be called the Bank of Fulton.

Also, an act to authorise the Justices of the Inferior Court of Troup county to levy an extra tax for years 1856 and 1857, to build a jail in said county.

Also, an act to authorise the Gainesville and Chattahoochee Rail-road Companies to consolidate their charters and for other purposes.

Also, an act to authorise Warren Dykes, an infirm man of the county of Worth, as an itinerant trader, to vend any goods, wares or merchandise within the limits and bounds of the said county; also to allow Ransom Cooper of the

county of Floyd to peddle in the county of Floyd, and also to allow M. Floyd of Cass county to peddle in said county.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President, to-wit:

An act to authorise the Justices of the Inferior Court of the county of Floyd, to lay off said county into school districts, and for other purposes.

Also, an act to define the liability of the several Rail-road Companies of this State for injury to persons or property, to prescribe in what counties they may be sued, and how served with process.

Also, an act to explain and amend an act to regulate the mode of suing the bonds of executors, administrators and guardians, approved January 12th, 1852.

Mr. Cone from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate,

An act to add lots of land numbers 117 and 118 in the 6th district of Irwin county to the county of Worth and other purposes.

Also, an act to incorporate the Appalachee Mining Company, and to confer certain privileges on the same, and to incorporate the Alta California Mining Company.

Also, an act for the relief of John E. Everett and Robert Campbell and Jesse Bryan.

Also, an act to authorise Edmond M. Butler, guardian to sell the land and negroes belonging to his ward, Hannah Butler, a deaf and dumb female.

The Senate took up the report of the committee of the whole on a bill to authorise the Inferior Court of the county of Telfair to open a poll for election at the Court House, and the several precincts, in said county on the question of removal of the county site, and for carrying out the will of the majority. the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Justices of the Inferior Court of Charlton county to levy an extra tax for county purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Augustus C. Jones.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took the report of the committee of the whole on a bill to incorporate a Stock Company to be called the Chattahoochee Iron Works.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the name of the Talbotton Female Academy in Talbot county, Georgia, located at Talbotton, to that of Levert College, to incorporate the same, and to confer certain powers on the board of trustees therein named.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend an act to incorporate the town of Carrollton in Carroll county, approved 22d Dec. 1829.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to appropriate a sum of money to erect a monument in honor of the Hon. Andrew J. Miller.

On motion of Mr. Landrum, the same was amended by striking out the words 'one thousand' and insert the words 'two hundred.' The report of the committee of the whole, as amended, was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal so much of the law in reference to change bills, as makes it the duty of the Judges of the Superior Court to give the act passed 10th Dec'r, 1841, in special charge to the Grand Juries.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise the Treasurer of this State to pay to the Ordinary of Emanuel county the sum of sixty-one dollars, balance due said county for poor school purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of John W. Carlton of the county of Fulton, who received serious injury whilst in the employment of the State. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to amend the 18th section of the charter of the city of Atlanta, and to confer certain powers upon the Mayor and Council; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and change the time of holding the Inferior Courts of the county of Henry.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Frances Murray, lately the

wife of James Murray; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of John A. Jones of the county of Polk; the report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to appropriate money to remunerate William Wills, John M. Wilcher and others for expenses and services in bringing from Alabama, Francis M. Collins, a fugitive from justice. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to provide compensation for the commissioned and non-commissioned officers, musicians and privates of certain companies. The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and amend the several acts passed prescribing the manner of compensating Grand and Petit Jurors of the county of Lumpkin.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to confer certain powers on Henry Davenport and James Knott of Clark county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of John Usry of Warren county, Georgia.

On motion of Mr. Simms, the same was amended by striking out the words 'seven hundred and fifty dollars' in the 1st section, and insert the words 'the amount actually paid for said land originally, with interest thereon.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole on a bill for the relief of Hardy Smith of Laurens Co.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Walton Female College, to be located at Monroe in Walton county, with power to appoint a President and Directors, confer Collegiate Degrees and for other purposes.

Mr. Dunnagan moved to strike out the whole section in regard to lotteries, which motion prevailed.

Mr. Poole moved to amend by adding the following, to-wit: "That the Justices of the Inferior Court of Hart coun-

ty be and they are hereby empowered to lay out and mark off three lots in the town of Hartwell, of suitable use for churches of the following denominations, one for the Methodist one for the Baptist, and one for the Presbyterian. And that the said Justices are hereby authorised to lay out and mark off one lot for a Male Academy, and also one for a Burying-ground; all of such size as said Justices may deem proper and right. The amendments were agreed to; the report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to declare and define the jurisdiction of Courts of Ordinary in this State, and for other purposes therein mentioned. The report of the committee was agreed to; the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to incorporate the Warrenton & Macon Railroad Company.

On motion of Mr. Cone of Bulloch, the same was amended by adding the names of "Iverson L. Harris, Tomlinson Fort and John W. Duncan" to the list of corporators.

The report of the committee of the whole, as amended, was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to enlarge the boundary of the town of LaGrange, and incorporate the same under the name of the city of LaGrange, and for other purposes.

The report of the committee was agreed to; the bill was read the third time and passed.

Mr. Moore from the committee on enrollment, reports as duly enrolled, signed by the Speaker, and ready for the signature of the President of the Senate,

An act to change the lines between the counties of Taylor and Marion.

An act to allow any joint tenant, tenant in common, or other person, to maintain a separate action of ejectment or trespass.

An act to give certain privileges to Justices of the Inferior Court of the county of Harris.

An act to appoint Trustees for Hall County Academy.

An act for the relief of J. H. Adams and others.

An act to add an additional section to the Penal Code.

An act to fix the time of holding the election of Judges of the Superior Courts and others.

An act to allow practicing attornies to serve as Justices of the Peace in Burke county.

An act supplemental to an act in relation to Wayne county.

An act for the relief of Zene Sullivan of Union county.

An act to authorise Justice Courts to establish lost papers.

An act for the relief of Osborn R. Register.

An act to change the lines between the counties of Heard and Troup and for other purposes.

An act to incorporate the Trustees of the Masonic Hall in Savannah.

An act for the relief of William Waters.

An act to appoint Commissioners in regard to Kinchafoonee creek.

An act to incorporate Island Creek Academy.

An act to make executors and administrators liable in certain cases.

Mr. Cone of the enrolling committee, reports the following bills as duly enrolled and ready for the signature of the President to-wit:

An act for the relief of John J. Morris and John C. Morris of Richmond county.

Also, an act to define the duties of all rail-road companies in this State in reference to bills and freight lists, and for other purposes.

Also, an act to authorise James O. Hunt of the county of Harris, to practice medicine and charge and collect fees for the same.

Also, an act to facilitate and expedite the collection of debts due by corporations, joint stock companies and associations, in cases when the stockholders and members are liable for the same.

Also, a resolution in Senate, agreed to Feb'y 27, 1856.

Also, an act to be entitled an act amendatory to incorporate the town of New Gibraltar in DeKalb county, to appoint commissioners for the same, to provide for the election of commissioners in succession, and other regulations therein named, and to levy a tax for the improvement of said town; to change the name and extend the limits of said town—assented to December 17th, 1847, and also to incorporate the town of Tunnel Hill in the county of Whitfield; and for other purposes.

Also, an act to confer certain additional powers upon the Mayor and Aldermen of the city of Savannah, and for other purposes therein mentioned.

Also, an act to legalise certain processes in Monroe county.

Also, an act to incorporate a bank in the town of Ringgold to be called the North-western Bank of Georgia.

The Senate took up the report of the committee of the whole on a bill to remit the State tax to the amount of one hundred dollars of Solomon Page of Lee county, assessed to him by mistake of the Tax Receiver of that county.

The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of William P. Booth and Philip H. Delane, teachers of poor children of the county of

Marion for the year 1851. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorise and require the Ordinary of Marion county to pay Littleton Morgan a certain sum of money for teaching poor children in said county in the year 1852. The report of the committee was agreed to; the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the bill of the House to compel the payment of the legal tax heretofore imposed on agencies of Foreign Banks.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the bill of the House to authorise the Governor to draw his warrant on the Treasury for the relief of Copeland Harris & Co. The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the bill of the House to indemnify Otho P. Beall for the loss of a lot of land granted the second time.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the relief of Jackson Tyner.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to provide for a Geologist and mineralogical survey of the State, with a view to developing the agricultural and mining interest of the State.

The report of the committee was agreed to, and upon the question 'Shall this bill now pass?' the yeas and nays were required to be recorded and are yeas 24, nays 39.

Those voting in the affirmative are Messrs. Billups, Brown of Baldwin, Calhoun, Gray, Hale, Jeter, Knight, Landrum, Lawson of Burke, Long, McMillan, Moore of Lincoln, Murphy, Newton, Patterson of Gilmer, Poole, Rudisill, Sapp, Screven, Smith, Wales, Welborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Adams, Allred, Brice, Brown of Gwinnett, Buchanan, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Crowder, Dixon, Dunnagan, Dupree, Fambro, Griffin, Harris of Worth, Hill, King, Maddux, Marshall, McCrimmon, McIntosh, Moore of Cobb, Moreland, Morris, Murray, Nichols, Patterson of Jefferson, Pharr, Ragan, Renfroe, Riley, Simms, Scott, Studstill, Swinney and Turner.

So the bill was lost.

The following message was received from the House by Mr. Speer, their Clerk:

Mr. President—The House of Representatives have concurred in the amendments of the Senate to the following bills of the House:

A bill to be entitled an act to incorporate a bank in Morganton to be called the Bank of Morgan.

A bill to be entitled an act to extend certain privileges to James E. Smith of the county of Clay.

A bill to be entitled an act to change the time of holding the Superior Courts in certain counties therein named.

A bill to change the time of holding the Superior and Inferior Courts in the county of Carroll.

A bill relative to the re-survey of the 6th district of Habersham county.

A bill to change certain county lines therein mentioned.

A bill to appropriate a sum of money to erect a monument in honor of the Hon. A. J. Miller, deceased.

A bill to incorporate the Stony Point Mining Company of Georgia.

A bill to appropriate money for the several purposes therein mentioned.

A bill to incorporate a bank in the city of Rome, Floyd county, Georgia, to be called the Bank of the Empire State.

A bill to authorise the Ordinary of the county of DeKalb to pay Winston H. Cash the sum of thirty-one dollars for teaching poor children.

The House also recedes from its amendment in reference to the Senate bill to raise the jurisdiction of Justices of the Peace.

The House of Representatives have also passed the following bills of the Senate with amendments, to which they ask their concurrence:

A bill to be entitled an act to amend an act incorporating the city of Rome.

A bill to be entitled an act to simplify the method of carrying cases to the Supreme Court, and for other purposes.

A bill to be entitled an act to authorise the Justices of the Inferior Court of Troup county to levy a tax for the years 1856 and 1857, to build a jail in said county.

The Senate took up the report of the committee of the whole on a bill for the amending of the several acts passed by the General Assembly of the State, and for altering and changing the charter of the city of Atlanta.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole on a bill to lay out and construct a turn-pike road of suitable width and grade, from the Union county line at or near where the road now crosses said line above the present residence of Alfred Parks.

On motion of Mr. Jamison, the 1st section was amended by inserting after the word 'Rabun,' the words 'the western

terminus of said road shall be at the crossing of Hightower creek, near the residence of Elihu Coward in Union county. And also to add the names of James M. Quillian and John C. Bryson, which was agreed to.

On motion of Mr. Screven, the same was amended by adding the following, to-wit:

"That the Georgia & Florida Rail-road Company shall have the same powers, rights and privileges as is conferred upon the Savannah, Albany & Gulf Rail-road Company by the amended charter of said company.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to incorporate the Dalton Brass Band in the town of Dalton. The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate took up the report of the committee of the whole on a reconsidered bill to repeal an act approved 7th Feb'y, 1854, entitled an act to alter and amend the 5th section of an act to regulate the weighing of cotton, and other commodities.

On motion of Mr. Screven, the same was amended by adding the following words to the 2d and also to the 3d sections, when the same has been already inspected at some other place in the State of Georgia, as now authorised by law. The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill of the House to add additional sections to the fourteenth division of the Penal Code of the State of Georgia.

On motion the same was indefinitely postponed.

Mr. Lawson of Burke offered the following resolution, which was taken up, read and agreed to, to-wit:

Resolved, That the Auditing Committee of the Senate be authorised to audit the accounts of the Committee of the Senate on the suits in the Courts of Tennessee, against the State of Georgia, for ten days per diem and mileage, during the recess, and to audit the account of their Clerk for forty days per diem.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole on a bill to provide for paying the delegates sent by the authority of the State of Georgia to the convention of the people of the slave-holding States, held at Nashville in January, 1850.

On motion of Mr. Sims, the same was amended by inserting after the word 'appointed,' the words 'after the election.'

Mr. Fambro moved to amend by adding the following, to-wit: "That the further sum of five hundred dollars each,

be paid to the respective delegates who were appointed to, and did attend the National American (alias) Know-Nothing Convention, held in the city of Philadelphia, in June, 1855, and that his Excellency the Governor draw his warrant upon the Treasury, for the same, to be paid out of any money not otherwise appropriated.

The motion was lost.

The report of the committee was agreed to, the bill was read the third time, and upon the question, 'Shall this bill now pass?' the yeas and nays were required to be recorded, and are yeas 37, nays 21.

Those voting in the affirmative are Messrs. Adams, Beall, Billups, Brice, Brown of Baldwin, Cannon, Cantrell, Coffee, Cone of Greene, Crowder, Dixon, Gray, Griffin, Hale, Harris of Worth, Jeter, Knight, Landrum, Lawson of Burke, Marshall, McGuire, Moore of Cobb, Moreland, Morris, Murphy, Newton, Patterson of Gilmer, Poole, Ragan, Renfroe, Riley, Rudisill, Sapp, Screven, Smith, Wellborn, Whitaker and Wingfield.

Those voting in the negative are Messrs. Allred, Brown of Gwinnett, Buchanan, Calhoun, Chastain, Dunnagan, Dupree, Fambro, King, Long, Maddux, McCrimmon, McIntosh, Murray, Nichols, Patterson of Jefferson, Simms, Scott, Studstill, Swinney, Turner, Wales and Ware.

So the bill was passed.

Mr. Moore of Lincoln from the committee on Enrollment reports as duly enrolled signed by the Speaker and ready for the signature of the President of the Senate:

An act to repeal the 7th section of an act entitled an act to amend the road and patrol laws of this State, so far as relates to the county of Effingham, assented to Dec. 1843.

An act to change the Inferior Courts of Catoosa county.

An act to incorporate the Needle Woman's Friend Society of Savannah.

An act to incorporate the Savings Bank of Griffin.

An act to authorise the Treasurer to pay over to the Ordinary of Chattahoochee county the poor school fund for the year 1854, and for other purposes therein mentioned.

An act to change the time of holding the Inferior Courts of the counties of Sumter, Butts and Bibb.

An act to give to defendants damages for frivolous suits against them.

An act to provide for the election of Trustees of Effingham county academy, and for other purposes.

An act to give further time for holding the Superior Courts of Sumter, Lee, Dougherty and Baker counties.

An act to change the county lines between Cass and Gordon, and between Gordon and Murray, and other counties therein named; and for other purposes.

An act to authorise the Inferior Court of Gwinnett coun-

ty to pay the Sheriffs of said county for summoning Jurors and waiting on the Courts, and for other purposes.

An act to appoint trustees in the county of Carroll, and for other purposes.

An act to authorise and provide for the union and consolidation of the Muscogee Rail-road company with the South-Western Rail-road company, under the charter of the latter company.

An act to give any company a right to build a bridge across the Chattahoochee river, in the counties of Fulton and Cobb, on the old piers on which the Western and Atlantic Rail-road was built, which may be incorporated by the Inferior Courts of said counties or either of them on certain conditions.

On motion the Senate took up the message of the House in relation to a bill of the Senate to amend an act incorporating the city of Rome, and an amendment to the same.

On motion the amendment was concurred in.

On motion the Senate took up the message of the House in relation to a bill to authorise the Justices of the Inferior Court of Troup county to levy a tax for the years 1856 and 1857 to build a Jail in said county, and an amendment to the same.

On motion the amendments of the House were concurred in.

On motion the Senate took up the message of the House in relation to a bill for the better defining the duties of the Inferior Court of Thomas county as to bridges and public works, and pedlers, and an amendment to the same.

On motion the Senate concurred in the amendment of the House.

On motion the Senate took up the message of the House in relation to a bill to authorise the Ordinary, acting commissioner of the poor school fund in the several counties herein named, to pay all bills presented for the tuition of poor children in said counties entitled and not returned, as entitled to the benefits of said poor school fund, and an amendment to the same.

On motion the Senate concurred in the amendment of the House.

Mr. Cone, of the enrolling committee reports the following bills as duly enrolled and ready for the signature of the President, to-wit :

An act to amend the several acts in relation to the exemption of certain property from levy and sale, and to provide a mode of securing said property to the wife and children, or wife or child, or children of said debtor.

Also an act to alter and amend the first section of the 3d article of the constitution of this State.

Also an act to authorise the issuing of attachments and gar-

nishments, and to regulate proceedings in relation to the same, and for other purposes therein mentioned.

Also an act to point out the mode and manner of collecting Magistrates and Constable fees in the county of Chatham and to amend an act to repeal an act to extend the civil jurisdiction of the Justices of Peace.

Also an act to incorporate the sweet water Railroad company.

Also an act to require the Depot Agent and Conductors of the Western & Atlantic Railroad, to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same.

Also an act to incorporate the Thomasville Female College.

Also an act to confer privileges upon John J. Spires of Lincoln county, and to make lawful his acts, and to give him authority to transact business as though he were of full age.

Also an act to enable persons who have claims against trust estates, to recover said claims in a Court of law; and to prescribe the manner, in which the same shall be done.

Also an act to incorporate Laurens Lodge, No. 75, of free and accepted masons of Laurens county.

Also an act to alter and amend an act to make permanent the county line between the counties of Dooly and Worth, and also between the counties of Irwin and Dooly, and to change the line between the counties of Worth and Dougherty.

Also an act for the relief of Robert G. Ford of the county of Worth, and Thomas M. Alston of Fannin county.

Mr. Moore from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate,

An act to incorporate the Summerville male and female academies, and for other purposes therein specified.

An act to incorporate the town of Weston.

An act to prevent fraudulent surveys of land in the counties of Camden or Effingham.

An act to incorporate the town of Lamar in Baker county.

An act amendatory of an act entitled an act to incorporate the trustees of the Masonic Hall in the town of Milledgeville assented to Dec. 26th, 1831.

An act to incorporate the town of Morgan in Calhoun county, and appoint commissioners for the same.

An act to change the time of holding the Inferior Court of Early county, and the Superior Courts of the county of Chatahoochee, and to allow two weeks for the Superior Court of the county of Warren, and for other purposes.

An act to add an additional section to an act to incorporate the Georgia and Florida steam packet company.

approved February eighteenth, eighteen hundred and fifty-four, and for other purposes.

An act to authorise Azariah Burnett of the county of Dade, to practice medicine and charge for the same.

An act to prescribe the order of descent and succession of the estates of illegitimate persons who die intestate.

An act to incorporate the Town of Fletcherville in the county of Thomas, and to provide for the election of commissions of the same, and also to prescribe the mode and manner of electing the town commissioners of the town of Bainbridge in the county of Decatur to define their power, and to extend the corporate limits of said town, and to incorporate the town of Morganton in the county of Fannin.

An act to incorporate the town of Lithonia in the county of DeKalb, and the town of Woodbury in the county of Meriwether.

An act to amend certain sections of the act, amending the act incorporating the town of Calhoun.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President : The House of Representatives have passed the following bills of the Senate, to-wit :

A bill to be entitled an act to authorise Edward M. Butler guardian, to sell the land and negroes belonging to his ward, Hannah Butler, a deaf and dumb female.

A bill to be entitled an act to define the duties of all Railroad companies in this State, in reference to bills and freight lists, and for other purposes.

A bill to be entitled an act to authorise James O. Hunt of the county of Harris, to practice medicine, charge and collect fees for the same.

A bill to be entitled an act to incorporate the town of Fletcherville in the town of Thomas, and also to extend the corporate limits of the town of Bainbridge in the county of Decatur, to define their power, and to extend the corporate limits of said town, and to incorporate the town of Morganton in the county of Fannin, and for other purposes.

They have also passed the following bills of the Senate, with amendments, to-wit :

A bill to be entitled an act to authorise the ordinary, acting commissioner of Poor school fund in the several counties herein named, to pay all bills presented for the tuition of poor children in said counties entitled, and not returned as entitled to the benefits of said poor school fund.

A bill to be entitled an act for the better defining the duties of the Inferior Court of Thomas county as to bridges and public work, and pedlers, &c.

And they have concurred in the amendments of the Senate to the bill of the House, to be entitled an act to incorporate the Fighting Town Mining company, and the first mining company of Savannah.

And they have also concurred in the resolution of the Senate in relation to furnishing certain offices with Cobb's Analysis, &c.

Mr. Cone from the committee on enrollment, reports as duly enrolled and ready for the signature of the President, of the Senate,

An act to change the lines between certain counties therein named.

Also an act to alter the time of holding the Inferior Court of the county of Worth.

Also an act for the perpetuation of testimony in certain cases.

Also an act to compensate the Sheriff of the county of Wilkes, and his Deputies for summoning Jurors and attending the Courts of said county.

Also an act to allow executors, administrators and guardians resident in other States or territories, to control stocks and money in this State, and to empower trustees to dispose of stocks.

Also an act for the relief of Henry Medora Arnold, wife of John B. Arnold of Glynn county.

Also an act in relation to the publication of the advertisements of the county officers of the county of Taliaferro.

Also an act to authorise Stephen W. Parker, a minor of the county of Chattahoochee, to transact his own business.

Also an act to incorporate the St. Mary's Railroad company, and for other purposes.

Also an act to amend the several acts in relation to the exemption of certain property from levy and sale, and to provide a mode of securing said property to the wife and children of said debtor.

Also an act to incorporate a bank in the town of Hamilton, to be called the Bank of Hamilton, Georgia.

Also an act to point out the mode or manner of collecting magistrate and constable fees in the county of Chatham, and to amend an act to repeal an act to extend the civil jurisdiction of the Justices of the Peace.

Also an act to require the depot agent and conductors of the Western and Atlantic Railroad, to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same.

Mr. Cone from the committee on enrollment reports as duly enrolled and ready for the signature of the President, of the Senate,

An act to authorise Asa Houston Langston of Hart county to practice medicine in this State, and receive and collect the usual fees for the same.

Also an act to incorporate a Bank in the town of Ringgold to be called the North-Western Bank of Georgia.

Also an act to declare and define the jurisdiction of Courts of Ordinary in this State, and for other purposes.

Also an act to continue in force the tenth section of an act to lay out and form a new county from parts of the counties of Early and Randolph, approved Feb. 16th, 1854.

Also an act to change the residence of Frederick Merrit, Sr., from the county of Coffee to the county of Irwin, and to change several other county lines.

Also an act to incorporate the City of Americus in the county of Sumter.

Also an act to alter and amend the sixth section of an act approved 11th February, 1854, entitled an act to incorporate the Dalton and Copper mine, turnpike, plank and rail road company, and to allow the company to build a turnpike, plank or rail road.

Also an act to divide the offices of tax collector and receiver of the county of Dade.

Also an act to require the State Printer to cause to be reported the proceedings of the Legislature.

Also an act for the relief of George M. Hodges and Josiah Hill of the county of Macon.

Also an act to repeal an act defining the duty of the Inferior Courts in relation to building bridges, so far as relates to Jackson county.

Also an act to give force and operation to judgments issuing from the Mayor's Court of the city of Darien throughout the State of Georgia.

Also an act to amend the several acts of this State in relative to suing out commissions of lunacy.

Also an act to require the depot agent and conductors of the Western and Atlantic Railroad, to take an oath for the faithful discharge of their duties, and to punish them for a violation of the same.

Also an act for the relief of William H. C. Pryor, executor, &c.

Also an act to exempt persons resident on Skidaway Island from performing road duty on the main land.

Also an act to authorise the Georgia and Florida Railroad company to construct a branch road.

Also an act to change the time of the meeting of the General Assembly of the State of Georgia, from the first Monday in November to the first Wednesday in November.

Also to authorise the Ordinary of DeKalb county to pay to the teachers of poor children of said county the balance in his hands of the money appropriated for the year 1855.

Also a resolution in relation to the city of Brunswick.

Mr. Cone from the committee on enrollment reports the following bills, to-wit:

A bill to amend an act approved February 4th, 1854, to regulate the measuring all timber, and for other purposes, and to provide a remedy against persons violating said act.

Also a bill for the better defining the duties of the Inferior

Court of Thomas county, as to bridges, public works, peddlers, &c.

Also a bill to incorporate a bank in the town of Madison, to be called the bank of Madison, and another in Sparta, to be called the bank of Sparta.

Also a bill to authorise the Inferior Court of Glynn county to have so much of the original records of said county transcribed, and to legalize the same.

The Senate took up the report of the committee of the whole on the following bills of the House of Representatives and on motion the same was post indefinitely, to-wit :

A bill to appoint a commissioner to audit the claim of Jno H. Howard against the State, and appropriate money for the payment of the same.

A bill to incorporate Line Church, a Baptist Church on or near the line of Habersham county.

A bill to simplify the operations of the Treasury, and appreciate our public securities.

A bill to incorporate Pierce's Chapel in the county of Richmond,

A bill for the relief of Mary Elizabeth Hone of Randolph county.

A bill for the relief of John B. Griffin of the county of Kinchafosnee.

A bill to incorporate the Trustees of Enon Church, of the county of McIntosh, and certain Camp Grounds and Churches therein mentioned.

A bill for the promotion of education.

A bill to amend the 12th section of the 2d article of the constitution, so as to permit the General Assembly to unite any two or more of the State House officers.

A bill to appropriate money for the use of the Southern Central agricultural society, and for other purposes.

A bill to incorporate the town of Lexington in Oglethorpe county, and to provide for the election of Intendant and commissioners of the same.

A bill to authorise James McCauley of Catoosa county, to erect and keep up a mill dam across the Chickamauga creek.

A bill to incorporate Mount Hope academy in Muscogee county, and to appoint trustees for the same.

A bill to incorporate Concordia Lodge No. 45, of Independent Odd Fellows in the town of Irwinton.

A bill to provide for the sale of insolvent tax executions in the several counties of this State, and to authorise the purchase at such sales, and their transfer, or whoever may hold the same to collect the same.

A bill to incorporate the Hancock Internal Improvement and Banking Company, and confer certain privileges on the same.

A bill to legalise the marriage of Ann Lynch with L. R. Wall and to constitute the said Ann Wall a legal heir of J. Lynch her reputed father.

A bill to exempt all property real or personal, inherited by, or given to any female either before or after marriage of said female, from seizure or sale to satisfy any debt or demand founded on any contract of the husband entered into before marriage.

The Senate took up the report of the committee of the whole on the following bills of the Senate, and on motion the same were postponed indefinitely, to-wit :

A bill to alter and amend the first section of the third article of the Constitution.

A bill to provide for common school education, and for other purposes.

A bill to authorise George W. Thomas, Jr., a minor of the county of Sumter to hold property in his own name, to sue and be sued, contract and be contracted with, as though he had obtained his majority, and for other purposes.

A bill to add the county of Worth in the Macon Judicial Circuit to the Southern Circuit, and to alter the time of holding the Superior and Inferior Courts of said county.

A bill to authorise the Governor to call a Convention of the people of the State of Georgia, upon certain conditions therein mentioned.

A bill to lay out and organise a new county from Henry and Fayette.

A bill to amend an act approved December 23d, 1822, to alter and amend an act entitled an act for reducing the interest on money in this province, passed March 27th, 1759, so far as relates to usurious contracts.

A bill for the relief of John Rickenbacker, and others of the county of Meriwether.

On motion the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the Senate took up the following resolution, to-wit :

That the Governor be requested to forward to the Inferior Court of Fannin county with the acts and Journals of the Legislature, six copies of Cobb's Digest and six copies of Cobb's Analysis for the use of new districts in said county.

On motion the same was amended by adding the following, to-wit :

• Six copies to Taylor county, four copies to Catoosa, four

copies to Fulton, Chatham, Meriwether, Harris, Clinch, Spalding, Polk, Gilmer, Heard and Stewart ; also two copies to Baldwin and Jones, and six copies of Cobb's Digest to Worth.

The resolution as amended was agreed to.

On motion the Senate took up the following resolution, which was agreed to, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That his Excellency the Governor be, and he is hereby authorised and required to have the State House insured to the amount of forty thousand dollars ; Provided the same can be done at rates not exceeding one and one-half per cent.

On motion the Senate took up the message of the House in relation to a resolution of the Senate in regard to furnishing to the Inferior Court of Jasper county five copies of Cobb's Analysis, and an amendment to the same.

On motion the Senate concurred in the amendment of the House.

On motion the Senate took up the report of the majority of the committee on the Western and Atlantic Rail-road.

On motion of Mr. Lawson the same was laid on the table for the present.

On motion the Senate took up the message of the House in relation to a bill of the House to incorporate the Georgia College of Science and Agriculture, located at in the State of Georgia, and the amendment of the Senate, to which the House added an amendment.

On motion the Senate concurred in the amendment of the House.

On motion the Senate took up the message of the House in relation to a bill of the House to change the time of holding the Superior and Inferior Court in the county of Carroll and an amendment.

On motion the Senate adhered to its amendment.

On motion the Senate took up the message of the House in relation to a bill of the House for the relief of John Usry of Warren county, and an amendment to the same by the Senate.

On motion the Senate receded from its amendment.

On motion the Senate took up the following resolution of the House, and agreed to the same, to-wit :

Resolved by the Senate and House of Representatives of the State of Georgia, That his Excellency the Governor be, and he is hereby requested to forward to the Military Bureau at Washington City, the pay roll, muster roll and other evidence of service in relation to the militia called out to defend the western border of this State, in the year A. D., 1856, under the command of Maj. Howard and others.

On motion the Senate took up the message of the House in

relation to the disagreement of the Senate to the amendment of the House to the amendment of the Senate.

Mr. Buchanan moved to recede from the disagreement of the Senate, whereupon the yeas and nays were required to be recorded, and are yeas 32, nays 26.

Those voting in the affirmative are Messrs. Avery, Brice, Buchanan, Calhoun, Cannon, Cantrell, Chastain, Coffee, Cone of Bulloch, Cone of Greene, Dixon, Dupree, Fambro, Gray, Griffin, Hale, Jeter, King, McGuire, McMillan, Moore of Cobb, Moore of Lincoln, Morris, Murray, Patterson of Jefferson, Pharr, Poole, Renfroe, Ware, Wellborn and Whitaker.

Those voting in the negative are Messrs. Adams, Beall, Billups, Brown of Baldwin, Brown of Gwinnett, Crowder, Harris of Worth, Hill, Jamison, Knight, Lawson of Burke, Marshall, McCrimmon, McIntosh, Newton, Nichols, Ragan, Riley, Rudisill, Sapp, Scott, Screven, Smith, Swinney, Turner and Wingfield.

So the motion to recede prevailed.

Mr. Lawson of Burke offered the following resolution which was taken up, read and agreed to, to-wit:

Resolved, That the Secretary of the Senate inform the House of Representatives that the Senate are now ready to appoint a committee, to join a similar committee on the part of the House to wait upon his Excellency the Governor and ask him if he has any further communication to make to the General Assembly.

The President appointed Messrs. Lawson and Billups as the committee of the Senate.

Mr. Marshall of Talbot offered the following resolution, which was taken up, read and agreed to, to-wit:

Resolved, That the Senate tender to the Honorable D. J. Bailey its sincere thanks for the courtesy, impartiality and ability, which he has uniformly exhibited as its presiding officer.

Mr. Moore of Cobb offered the following resolutions, which were taken up and unanimously agreed to, to-wit:

Resolved, That the thanks of the Senate be tendered to P. H. Colquitt, Secretary of the Senate, and John B. Weems, Assistant Secretary, together with their several Clerks, for the able and courteous discharge of their respective duties, during the present session.

Resolved, That the thanks of the Senate are due to Messrs. Wilson and Allred, Messenger and Door-Keeper for the faithful and efficient discharge of their duties during the present session.

Mr. Buchanan offered the following resolution, to-wit:

• *Resolved*, That both branches of the General Assembly meet at 7 1-2 o'clock in the House of Representatives to-day

to elect three Commissioners to superintend the disposition of the Penitentiary.

The resolution was taken up, read and agreed to.

Mr. Wingfield offered the following resolution, which was taken up, read and agreed to, to-wit :

Whereas the Hon. James A. Meriwether at the time of his death in the year 1853, was Speaker of the House of Representatives of the Legislature of Georgia, and as a just tribute to the distinguished usefulness as a statesman and citizen :

Be it resolved by Senate and House of Representatives, That his Excellency the Governor be, and he is hereby requested to cause to be erected a suitable monument, over the grave of the distinguished deceased, corresponding with such as may be over the late Andrew J. Miller, and that the costs for the same be paid out of the contingent fund.

Mr. Coffee offered the following resolution, to-wit :

Resolved, For the purpose of speedily disposing of the election of Commissioners to lease the Penitentiary that the names of Peter Cone of Bulloch, W. R. Poole of Hart and P. M. Compton of Baldwin be selected as Commissioners.

The resolution was taken up, read and agreed to.

Mr. Lawson of Burke from the committee of the Senate appointed to wait on his Excellency the Governor to know if he has any further communications to make to either branch of the General Assembly reported, that said committee, in conjunction with a committee from the House, have discharged that duty, and has received for reply that the Governor has no further message to lay before either branch of the General Assembly ; and that on our separation, he asks leave to tender to every Senator his best wishes for his health and happiness, and safe return to his home, and for the prosperity of the State of Georgia.

On motion the Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Harris of Worth offered the following resolution, which was taken up, read and agreed to, to-wit :

Resolved, That the thanks of the Senate are due to John W. Duncan for the faithful and efficient discharge of his duties as Journalizing Clerk of the Senate.

The following message was received from the House of Representative through Mr. Speer, their Clerk :

Mr. President—The House of Representatives have passed

a bill of the Senate entitled an act in relation to measuring of timber, &c.

Also, a bill of the House amended in the Senate, and which amendments has been amended in the House entitled an act to incorporate the College of Science and Agriculture located at _____ in the State of Georgia.

Also, the House of Representatives have disagreed to the report of the committee of conference on the bill to remove the Penitentiary, &c.

Also, the House of Representatives disagrees to the additional sections to the bill changing the times of holding the Superior and Inferior Courts in the county of Carroll.

Also, the House have concurred in the amendments of the Senate to the bill of the House incorporating the Warrenton and Macon Rail-road Company, and for other purposes.

On motion the Senate took up the message of the House, and the following resolution, which was agreed to, to-wit :

Resolved by the General Assembly, That Peter Cone, Wm. R. Poole and P. M. Compton be, and they are hereby appointed Commissioners to superintend the disposition of the Penitentiary, according to the provisions of the bill, to lease it.

The following message was received from the House of Representatives through Mr. Speer, their Clerk :

Mr. President—I am directed by the House to transmit to the Senate a resolution in reference to the appointment of commissioners to superintend the disposition of the Penitentiary, and that they have concurred in the resolution in relation to the late Hon. James A. Meriwether.

On motion of Mr. Cannon the following resolution was taken up, read and agreed to, to-wit :

Resolved, That the Secretary inform the House of Representatives that the Senate is now ready to adjourn sine die.

The President announced the following as the committee to bring up the unfinished business, to-wit : Messrs. Harris of Worth, Allred and Nichols.

The following message was received from the House of Representatives by Mr. Speer, their Clerk, to-wit :

Mr. President—I am directed to inform the Senate that the House of Representatives are now ready to adjourn *sine die*.

On motion of Mr. Cone of Greene the Senate adjourned *sine die*.

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